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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
BOARD MEETING

LONG BEACH CITY COUNCIL CHAMBERS
333 WEST OCEAN BOULEVARD
LONG BEACH, CALIFORNIA

WEDNESDAY, JULY 25, 2001

9:32 A.M.

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A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair

DAN EATON

STEVEN R. JONES

JOSE MEDINA

MICHAEL PAPARIAN

DAVID A. ROBERTI

STAFF PRESENT:

MARK LEARY, Interim Executive Director

KARIN FISH, Chief Deputy Director

KATHRYN TOBIAS, Chief Legal Counsel

ELLIOT BLOCK, Legal Counsel

DEBORAH MCKEE, Board Administrative Assistant

YVONNE VILLA, Board Secretary

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1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning.

4 I'd like to go ahead and open our meeting and welcome

5 everyone to the July meeting of the California Integrated

6 Waste Management Board.

7 Would the secretary please call the roll?

8 COMMITTEE SECRETARY VILLA: Eaton?

9 BOARD MEMBER EATON: Here.

10 BOARD SECRETARY VILLA: Jones?

11 BOARD MEMBER JONES: Here.

12 BOARD SECRETARY VILLA: Medina?

13 BOARD MEMBER MEDINA: Here.

14 BOARD SECRETARY VILLA: Paparian?

15 BOARD MEMBER PAPARIAN: Here.

16 BOARD SECRETARY VILLA: Senator Roberti?

17 (Not present.)

18 BOARD SECRETARY VILLA: Moulton-Patterson?

19 BOARD CHAIR MOULTON-PATTERSON: Here. We do

20 have a quorum. I'd also like to ask everyone in the

21 audience to please turn off cell phones and pagers so it

22 doesn't disrupt our meeting, and we appreciate that very

23 much.

24 On behalf of the Governor and the California

25 legislature, I'd like to remind everybody that we must

1 all pitch in to reduce consumption and improve our energy
2 efficiency.

3 At the Waste Board we've implemented a plan to
4 reduce consumption by a minimum of ten percent during
5 critical power shortages, and we're asking you too to
6 flex your power and join with us.

7 Given our commitment to conserve energy and
8 reduce waste, we're also providing a limited number of
9 copies of the agenda item and they're located -- Ms.
10 Villa, where are they located in this room? In the back?
11 Up there?

12 BOARD SECRETARY VILLA: Up at the back, up at
13 the top going to the left.

14 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
15 you. And if you would like to speak on an item, if you
16 would fill out a slip and give it to Ms. Villa, who is
17 right over here, she'll make sure that we get it, and
18 you'll be able to let us know your issues on any specific
19 item.

20 Lastly, there will be a closed session today and
21 I think we'll have, it's going to be very, very brief
22 right after we return from lunch.

23 And with that, I would like to say thank you to
24 Jim Kuhl, and this room is so big, is Jim -- where? Oh,
25 Jim, did you want to come down and say a word or two?

1 This is a beautiful, beautiful council chambers and we so
2 very much appreciate being able to use it here in Long
3 Beach.

4 MR. KUHL: Good morning. My name is Jim Kuhl,
5 I'm the manager for Environmental Services for the City
6 of Long Beach, and on behalf of our mayor and council I'd
7 like to welcome you today.

8 I know you have a full agenda so we're going to
9 keep this really short. I was told I couldn't do my
10 forty minute video this morning.

11 But what I have provided you, behind you in the
12 canvas bags is kind of a packet of information of city
13 programs and our outreach materials. I think you'll see
14 that the city really has committed itself to its waste
15 reduction and recycling programs and its recycling market
16 development activities.

17 So with that, enjoy your stay. Go to lunch
18 early so you can spend a lot of money in Long Beach
19 because we want the sales tax. And if you need anything
20 my staff will be here most of the day to take care of
21 you.

22 BOARD CHAIR MOULTON-PATTERSON: Well as I say,
23 we really appreciate the hospitality. We have one of
24 these for each of your council members and they're over
25 there, and if you could make sure they get one of those

1 and let them know of our appreciation, we'd really like
2 that.

3 MR. KUHL: Will do.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you, Jim.

5 We're going to start with ex-parte, and I
6 believe I'll go ahead and start first this time because
7 I'd like to report some of these last, last minute item
8 ex-parte that came in at the very last minute. And this
9 was for all Board members, and so they won't have to read
10 all these.

11 Also, Doris, I'll be giving you a copy.

12 On agenda item two on the antifreeze issue,
13 those in support of a total ban: Robert Little, Lisa
14 Edmondson, Gloria Hafner-Allee, Earl Bowling, Marilyn
15 Brown, Ruth Collins, Kathleen Joyce, Bobbie Harms, Sylvia
16 Caris, Sellman family, Margaret Young, Jim Gotelli, April
17 Mousley, Traci Selner, Elaine Fassel, Suzanne Martin,
18 Thomas Solari, Carol Firth, Grace Gartland, Mr. and Mrs.
19 Stebbins, Patricia Caelepo -- if I'm, I apologize if I'm
20 mispronouncing any of these names. Luaile McGee, Leslie
21 Morison, Verle Jean Parker, Janice Oliver, Taylor Page,
22 Audriane Ocean, Nancy Andon, and Frank Boschan.

23 Those writing in support of, again, on agenda
24 item two, those that support the resolution that, the
25 staff recommendation, are: Ron Gracey, Phyllis Grome,

1 Dorothy Finger, Harriett Peabody, Louise Marianne, Marsha
2 Kuenkamp, Mary Ann Hovington, Kimberly Cavanaugh, Ray
3 Venegas, Marcia Field, Diana Fields, Helen McGoede, Donna
4 DeVries, Beverlee Martella, Mary Stuldins, and Chris
5 Sandell.

6 And also on agenda item nine, opposition to
7 recycling rate range: Madeline Arakelian, Solid Waste of
8 Willits, and California's, Californians Against Waste.

9 And those are for all Board members. And other
10 than that I'm up to date. And I'll call on Mr. Eaton at
11 this time.

12 BOARD MEMBER EATON: With those, Madam Chair,
13 I'm also up to date. Thank you.

14 BOARD CHAIR MOULTON-PATTERSON: Uh-huh. Mr.
15 Jones.

16 BOARD MEMBER JONES: With those I need to add
17 Ken Stoddard, Chuck Helgut, Denise Delmatier on ADC and
18 on plastics.

19 Gary Johnson on AB 939 and dirt.

20 You may have said this one, I'm not sure, Mickey
21 Cafugna, Mayor of Poway, on plastic.

22 Shelly Reider, City of Millbrae on plastic.

23 And Bruce Gronix, Tri CED on plastic.

24 Thanks, Madam Chair.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you. I

1 just want to add Denise Delmatier briefly on recycling
2 rate.

3 Mr. Medina.

4 BOARD MEMBER MEDINA: Just the ones that you
5 read off, Madam Chair, and also Denise Delmatier on the
6 plane ride over from Sacramento.

7 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.
8 Paparian.

9 BOARD MEMBER PAPARIAN: Thank you. I received a
10 note from Alec Cooley of the California Collegiate
11 Recycling Council regarding item 22.

12 I spoke with Mark Murray of Californians Against
13 Waste, regarding items eight and nine.

14 Did you mention faxes and e-mails from Chuck
15 Helgut regarding plastics? I didn't quite --

16 BOARD CHAIR MOULTON-PATTERSON: No, I did not.

17 BOARD MEMBER PAPARIAN: Yeah. I received from
18 Chuck Helgut of Allied Waste, information regarding item
19 number nine, as well as an e-mail from Chuck Helgut
20 representing various waste companies regarding ADC items
21 23 and 24.

22 And then yesterday I took a tour of the Long
23 Beach SERF facility, their waste to energy plant, and
24 spoke with Charles Tripp of the facility as well as James
25 Kuhl who was before us a few minutes ago. And among

1 other things we did talk about the plastics item briefly.

2 And that's it for me.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you.

4 Senator Roberti.

5 BOARD MEMBER ROBERTI: One second.

6 BOARD CHAIR MOULTON-PATTERSON: Okay.

7 BOARD MEMBER ROBERTI: No ex-parte.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you,

9 Senator.

10 Okay. At this time we'll have reports from

11 Board members. Any report, Mr. Eaton?

12 BOARD MEMBER EATON: Yes, Madam Chair, but I

13 think in the interest of time I'm going to forego mine

14 today. Because in looking at the agenda my understanding

15 is that we have a certain time constraint on us in this

16 chamber today --

17 BOARD CHAIR MOULTON-PATTERSON: That's right.

18 BOARD MEMBER EATON: -- so I think when time

19 permits. I'll pass. Thank you.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.

21 Jones.

22 BOARD MEMBER JONES: I'll make mine real quick

23 just, in the interest of time just one thing.

24 The California Integrated Waste Management

25 Board, SWANA partnership on landfill operator training,

1 this next month I think, August or September, will be the
2 first California specific training held in the nation in
3 Whittier, and I just want to thank all the efforts of
4 SWANA and our staff for really making this come true.

5 We're part of a pilot program, but the outcome
6 of that pilot program could be a mandatory program where
7 we're actually training inspectors and landfill operators
8 to state minimum standards.

9 And I just want to let people know, Jim Kuhl
10 headed the America Recycles Day effort for the State of
11 California as co-chair for three years and did a
12 tremendous job, and I thought we ought to say that in his
13 city council chambers.

14 Thanks, Madam Chair.

15 BOARD CHAIR MOULTON-PATTERSON: Thanks, Mr.
16 Jones.

17 Thank you, Mr. Kuhl, for that.

18 Mr. Medina.

19 BOARD MEMBER MEDINA: No report at this time.

20 BOARD MEMBER PAPARIAN: Thank you, Madam Chair,
21 I'd like to mention a couple of brief things.

22 First of all to Deborah Orrill of our staff for
23 her assistance in preparing an article for the League of
24 California Cities magazine regarding electronics waste.

25 I also wanted to briefly mention a couple of the

1 projects I'm working on and give a quick update.

2 On the environmental management systems project
3 for the Cal EPA headquarters building, we met with the
4 EMS consultant a couple of days ago who is going to help
5 us prioritize some of the environmental impacts
6 associated with the building, and then work with us on
7 coming up with some ways to reduce those impacts.

8 I'll try to provide a more detailed update at a
9 future Board meeting when we have some more time.

10 Then with regards to the National Electronics
11 Product Stewardship Initiative, NEPSI, we met with
12 representatives of fifteen electronics companies from
13 across the country, as well as fifteen states from across
14 the country, and fifteen non-governmental organizations
15 in San Francisco at the end of June, and made what I
16 thought was some good progress in coming up with some
17 common frameworks for our discussion and some ideas of
18 how to proceed.

19 We're hopefully going to reach some
20 understandings and agreements over the next year. We're
21 going to be meeting five additional times in that time
22 period. And then, just to remind you, I'm representing
23 Cal EPA in this process. Peggy Harris from the
24 Department of Toxic Substances Control and Mark Kennedy
25 from my staff are also actively involved in that.

1 And then finally, I wanted to pull one item off
2 of consent. Do you want me to hold on that for a second?
3 Or do you want me to --

4 BOARD CHAIR MOULTON-PATTERSON: Why don't you
5 just go ahead and pull it right now. Number seven?

6 BOARD MEMBER PAPARIAN: I'd like to pull agenda
7 item number seven off of consent, the scope of work for
8 the Recycled Products Trade Show. I have some very small
9 changes to the resolution, and I'll mention that at the
10 appropriate time.

11 Thank you.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
13 Paparian.

14 Senator Roberti.

15 BOARD MEMBER ROBERTI: Thank you, Madam Chair,
16 no report.

17 BOARD CHAIR MOULTON-PATTERSON: Just very, very
18 briefly in the interest of time. I did want to say that
19 on June 25th I attended a very positive press event with
20 Caltrans director Jeff Morales where they were using tire
21 chips in freeway on-ramp, and we got some really good
22 press on it, and I wanted to let other Board members know
23 about that.

24 Also I visited the Sonoma Legacy tire piles, and
25 saw the concerns, met with all the owners up there.

1 And just, lastly, was able to present, on Monday
2 to San Diego, the company Gold Mine, it's a natural foods
3 company, and they received our Cal MAX match of the year
4 award, and they've done some really great things down
5 there and I just wanted to mention that.

6 With that I will turn it over to Mark Leary, our
7 Interim Executive Director, for his report.

8 INTERIM EXECUTIVE DIRECTOR LEARY: Good morning,
9 Madam Chair, members of the Board. It's very awkward
10 sitting over there, so I thought I'd step to the podium
11 real quick.

12 I have a couple of quick items for the Board's
13 information. Firstly, as you know, the jurisdiction
14 specific taxable sales data from the Board of
15 Equalization is of critical importance to the
16 jurisdictions in calculating their diversion rates for
17 their annual reports.

18 For reasons we don't entirely understand, the
19 BOE has been significantly late in developing this data
20 and releasing it to us so we can use it and put it to use
21 for our jurisdictions.

22 On June 25th the Board staff sent a letter to
23 all annual report coordinators indicating that because
24 jurisdictions have been unable to perform diversion rate
25 calculations for 2000 until very recently due to this

1 delay, the Board will allow jurisdictions an additional
2 month to prepare their annual reports, that is until
3 September 1st, 2001.

4 As we were preparing the letter, the BOE was
5 indicating that the taxable sales data for the third
6 quarter of 2000 would be ready in mid to late June.
7 However, the Board didn't receive this data until last
8 week, July 17th.

9 Board staff is currently working overtime to
10 update the diversion rate calculators and make the
11 information accessible. Once the updates are completed,
12 jurisdictions will be informed of their availability.
13 This information should be available on our website to
14 the jurisdictions this Monday, July 30th.

15 As the Board's electric annual report --
16 electronic, excuse me -- electronic annual report went
17 on-line shortly before the letter was mailed,
18 jurisdictions were also informed that they could prepare
19 the remainder of their electronic annual report, and it
20 was fully functional.

21 We are pleased to report that approximately one
22 hundred jurisdictions have taken advantage of this
23 opportunity, and have already begun filling out their
24 annual report.

25 In past years jurisdictions have had sixty days

1 or more from the time the diversion rate calculator was
2 available until the deadline to file their annual report
3 with the Board. However, due to these delays in
4 obtaining taxable sales data, there may not be enough
5 time for many jurisdictions to meet the extended deadline
6 of September 1st. For this reason we plan to be flexible
7 in dealing with these situations.

8 But additionally, your consideration of agenda
9 item 23 on today's agenda, that regarding alternative
10 daily cover, will also impact the calculation of some of
11 the jurisdiction's diversion rates. Results of that, any
12 action on this item today, actually tomorrow, will be
13 reflected in diversion rate calculations.

14 Another item. On July 11th, Board Member Jones
15 and I attended the Catastrophic Disaster Strategic
16 Planning Workshop in Sacramento hosted by the Governor's
17 Office of Emergency Services and the Federal Emergency
18 Management Agency.

19 The focus of the workshop was the discussion of
20 the impact of a major earthquake in Southern California.
21 Although not the most pleasant of subjects, the
22 importance of planning and preparing for a major disaster
23 of this type was impressed upon all participants.

24 The workshop was lead by OES director Dallas
25 Jones, and Presidential Joe Alba, the Director of FEMA.

1 As you might imagine, the challenges associated
2 with a catastrophic earthquake are overwhelming, but
3 among the most critical is debris management.

4 In this exercise conducted at the workshop it
5 was projected that if the modeled earthquake would
6 generate 120 million tons of debris in Southern
7 California, the equivalent of three years of normal
8 disposal in this state.

9 Board staff will brief you periodically about
10 our continuing involvement in developing the disaster
11 response plans.

12 Quick note on good news from the RMDZ loan
13 program. We are pleased to announce the new rate for the
14 RMDZ loan program is 5.7 percent, down from 6.5 percent.
15 It is effective on all loans approved July through
16 December, 2001. We expect the lower interest rates to
17 have a positive effect on the number of applications
18 submitted.

19 The interest rate, as you know, is determined by
20 the Board, and adjusted semi-annually as required by
21 regulation.

22 And lastly, I have an important invitation. The
23 fifth annual LEA CIWMB conference entitled "Bridges to
24 Common Ground," will be held at the Granlibakken
25 Conference Center in Lake Tahoe on August 21st through

1 23rd. This is an opportunity for our staff and the LEA
2 staff to network, dialogue, learn, and enhance our
3 partnership.

4 The 2001 conference will feature a variety of
5 solid waste topics determined by the conference steering
6 committee. These include closed, illegal, and abandoned
7 site investigations; alternatives to landfilling; and
8 electronic waste.

9 For those of you who haven't participated in a
10 prior conference, it's a unique opportunity to meet and
11 work with our LEA partners. I'd encourage you to try to
12 fit this into your schedule as your participation will be
13 greatly appreciated by Board staff and the LEAs.

14 Thank you very much, that concludes my report.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any
16 questions for Mr. Leary?

17 Mr. Medina.

18 BOARD MEMBER MEDINA: Yes, I had a question on
19 the catastrophic committee meeting that you had in regard
20 to the Office of Emergency Services.

21 INTERIM EXECUTIVE DIRECTOR LEARY: Certainly.

22 BOARD MEMBER MEDINA: I represented the San
23 Francisco Board of Supervisors on the city's similar
24 committee, and one of the first things that I noticed is
25 there were no representatives from the disabled community

1 present at these meetings, and so I made a
2 recommendation, which was accepted, to have
3 representatives from the disabled community present. And
4 that really made a difference in terms of how we
5 approached the emergency.

6 Do you know whether there is representation or
7 whether those needs have been taken into account?

8 INTERIM EXECUTIVE DIRECTOR LEARY: It was a
9 really large group and I understand there was a number of
10 medical personnel who purported to represent the interest
11 of the disabled.

12 We didn't get to that kind of specificity in
13 this modeling exercise, but as we continue our
14 involvement I will certainly make sure that, or I will
15 suggest that that participation is encouraged and
16 continues in the effort.

17 BOARD MEMBER MEDINA: And it's important that,
18 you know, they participate from the very beginning.

19 INTERIM EXECUTIVE DIRECTOR LEARY: Absolutely.

20 BOARD CHAIR MOULTON-PATTERSON: Thanks for
21 bringing that up, Mr. Medina.

22 Senator Roberti, did you have a question?

23 BOARD MEMBER ROBERTI: No questions.

24 BOARD CHAIR MOULTON-PATTERSON: Oh, I'm sorry, I
25 thought I heard a voice. I'm hearing voices already.

1 Okay. On the agenda -- thank you, Mr. Leary,
2 for your report.

3 On the agenda, before we go to consent, item
4 four was continued from the briefing and will be heard
5 directly following the consent calendar under continued
6 business items.

7 Also item 6, 16, 29, and 33 have been pulled.

8 At this time I have items number 1, 11, 12, and
9 13 placed on the consent agenda. Would any Board member
10 wish to pull any of these items from consent?

11 Okay. Hearing none, would the secretary please
12 call the roll to approve the consent calendar?

13 BOARD SECRETARY VILLA: Eaton.

14 BOARD MEMBER JONES: You need a motion. I'll
15 second your motion.

16 BOARD CHAIR MOULTON-PATTERSON: I'm sorry, I
17 guess I can't still blame jet lag, can I?

18 BOARD MEMBER EATON: I think it's the stadium
19 seating actually.

20 BOARD CHAIR MOULTON-PATTERSON: Right. Okay.
21 Yeah. So we have a motion by Moulton-Patterson, seconded
22 by Board Member Jones to approve items 1, 11, 12, 13 of
23 our consent calendar.

24 Please call the roll.

25 BOARD SECRETARY VILLA: Eaton.

1 BOARD MEMBER EATON: Aye.

2 BOARD SECRETARY VILLA: Jones.

3 BOARD MEMBER JONES: Aye.

4 BOARD SECRETARY VILLA: Medina.

5 BOARD MEMBER MEDINA: Aye.

6 BOARD SECRETARY VILLA: Paparian.

7 BOARD MEMBER PAPARIAN: Aye.

8 BOARD SECRETARY VILLA: Roberti.

9 BOARD MEMBER ROBERTI: Aye.

10 BOARD SECRETARY VILLA: Moulton-Patterson.

11 BOARD CHAIR MOULTON-PATTERSON: Aye. The
12 consent calendar is approved, thank you.

13 So we go to item four discussion of and request
14 for direction on Bureau of State Audit Report
15 recommendation regarding the Board's 18 month inspection
16 program.

17 And Ms. Nauman will be giving that report.

18 INTERIM EXECUTIVE DIRECTOR LEARY: I'm sorry,
19 Madam Chair, we've had a mix-up in signals and we're not
20 prepared to put that item on today, I apologize for that.

21 BOARD CHAIR MOULTON-PATTERSON: Oh, okay. Then
22 will it be continued until the next, until the August
23 meeting?

24 INTERIM EXECUTIVE DIRECTOR LEARY: Tomorrow.

25 BOARD CHAIR MOULTON-PATTERSON: Oh, tomorrow,

1 great.

2 And I would like to announce to the audience
3 that we will be going through item 22 today, that is our
4 intent to have everything up to and including number 22
5 today, and tomorrow we'll go through 23 to the end of the
6 agenda.

7 Okay. So we'll hear number four tomorrow.

8 And that takes us to our first item of new
9 business, item number two, consideration of staff
10 recommendations for addressing the impacts of antifreeze
11 on public health and safety in California.

12 Good morning.

13 MS. WARD: Good morning. I'm Anna Ward, staff.

14 The California Environmental Protection Agency
15 and the Board are responsible for protecting the public
16 health and safety and the environment of the state. And
17 as the lead agency for household hazardous waste
18 management in the state, it's the Board's mandate to
19 inform and promote to the public the public use and
20 storage of products that contain hazardous substances,
21 and on safer substitutes for products containing
22 hazardous substances.

23 At the August, 2000 Board meeting, staff
24 presented background information and findings on the
25 impacts of antifreeze use.

1 The Board directed staff to continue to research
2 the highest options that had potential to reduce the
3 number of human and animal poisonings from antifreeze
4 exposures.

5 Today I will present two alternatives for the
6 Board to consider. Antifreeze is formulated with
7 ethylene glycol which is an odorless, sweet tasting
8 poisonous chemical. Four ounces of ethylene glycol is a
9 lethal dose for a 150 pound adult. A cat can receive a
10 lethal dose from as little as one teaspoon of antifreeze,
11 while two tablespoons can kill a ten pound dog.

12 The alternative propylene glycol antifreeze
13 formulation is much less toxic. The fatal dose level for
14 the alternative would be more than 32 ounces for adults.
15 So ethylene glycol is at least eight times more toxic
16 than the alternative propylene glycol. This is very
17 important because the volumes ingested are commonly
18 small.

19 In 2000 the California Poison Control System
20 Hotline received 564 ethylene glycol based antifreeze
21 exposure calls. There were 69 reported exposures for
22 children under seven years old. There were five
23 exposures that the system did not follow whose outcome
24 were described as potentially with toxic effects.

25 Nationally there were over 4,900 unintentional

1 human exposure calls in 1998. The nine adult deaths that
2 occurred were most likely intentional.

3 These numbers are only from the calls made to
4 hotlines, so it is reasonable to assume that more
5 exposures have occurred.

6 Children are protected from antifreeze
7 poisonings because of child resistant caps, but more
8 needs to be done as an additional safety for them.

9 Leaks from improperly maintained motor vehicles
10 and improper storage and illegal disposal lead to
11 thousands of animal exposures each year. Animal
12 exposures are more difficult to quantify because
13 veterinarians are not required to report poisoning
14 occurrences.

15 A national survey of veterinarians found that
16 two of every three vets see at least one accidental
17 ethylene glycol poisoning each year. This would amount
18 to over 7,000 poisoning exposures annually in California
19 alone.

20 This is believed to be only a partial picture of
21 the exposures. There are uncounted numbers of domestic
22 animals not taken to vets that die, while others may
23 simply never return home. And then there are wildlife
24 that have no chance of receiving medical treatment.

25 Option one for the Board to consider is banning

1 the use of ethylene glycol formulated antifreeze and
2 replacing it with the much less toxic alternative
3 propylene glycol formulated antifreeze.

4 This option is believed to offer the greatest
5 potential to reduce the number of antifreeze poisonings,
6 but there are a number of significant issues that would
7 have to be addressed to implement such a change.

8 These challenges are addressed in the agenda
9 item and include the mixing and compatibility
10 formulations, recycler recycling infrastructure issues,
11 and propylene glycol availability issues.

12 Staff would like the Board to know that some
13 European countries allow only the alternative, propylene
14 glycol based antifreeze, to be sold at the retail level.
15 Other European countries' retailers are voluntary selling
16 the alternative exclusively in their stores. And some
17 countries do not allow the sale of the ethylene glycol
18 antifreeze in stores where food is sold, but do allow the
19 alternative propylene glycol antifreeze.

20 Option two is to consider the addition of an
21 aversive agent to ethylene glycol based antifreeze to
22 deter ingestion and reduce the severity of human and
23 animal exposures. Denatonium benzoate, a bittering
24 agent, is effective in repelling humans from continued
25 ingestion.

1 In 1993 the Governor of California vetoed a bill
2 to require adding this aversive agent to ethylene glycol
3 based antifreeze. The Governor said that denatonium
4 benzoate had not been proven to deter animals, and its
5 use would not decrease ingestion.

6 Also, even if the number of ingestions remains
7 the same, the number, the amount consumed would decrease,
8 reducing the severity of the exposure.

9 Extensive data to prove the bittering agent's
10 effectiveness on animals is not available. From studies
11 stuff has just recently viewed, however, it has been
12 shown that animals are indeed deterred from continuing to
13 consume liquids and food that contain denatonium
14 benzoate.

15 Because of the variability of the animal
16 population, it would be costly to conduct studies to
17 completely quantify effectiveness. Staff, however, does
18 believe there is enough information on the efficacy of
19 denatonium benzoate to warrant its use in antifreeze.

20 It is important to note that there is one
21 ethylene glycol antifreeze manufacturer that voluntarily
22 puts this bittering agent into one hundred percent of its
23 after market ethylene glycol based antifreeze. This
24 constitutes five percent of the total amount of
25 antifreeze used in the United States annually.

1 This amount, it does not include the bittering
2 agent that is put into antifreeze in Oregon. Oregon law
3 requires the addition of the aversive bittering agent,
4 denatonium benzoate, to all ethylene glycol based
5 antifreeze sold at the retail level.

6 Massachusetts has this year introduced a bill to
7 add an aversive agent to antifreeze also.

8 Several countries require the addition of
9 denatonium benzoate to the ethylene glycol based
10 antifreeze as well.

11 The American Association of Poison Control
12 Centers recommended years ago that aversive agents be
13 added to a few select toxic substance in products
14 intended for public use, one of which is ethylene glycol.

15 Aversives have been added to other products,
16 including certain garden products, cleaning products,
17 toiletries, paints, and animal products.

18 The addition of denatonium benzoate does not
19 present the significant impacts that a changeover to
20 propylene glycol based antifreeze would.

21 Because this aversive bittering agent is in a
22 very low concentration in the antifreeze product, there
23 are no formulation issues; there are no impacts on the
24 recycling process infrastructure, and the volume of
25 denatonium benzoate required is available.

1 Similar to ethylene and propylene glycols,
2 denatonium benzoate biodegrades. The addition of this
3 bittering agent to all antifreeze sold in California
4 would cost less than \$500,000 in an annual sales market
5 of \$100 million annually. This constitutes a two and a
6 half cent increase in the cost of an approximately \$5
7 product.

8 The cost to add the bittering agent is minimal
9 compared to human and animal medical costs that could be
10 avoided, and then there are extended medical care costs
11 for poisoning occurrences, including loss of work time,
12 not to mention mental suffering and interment costs of
13 animals.

14 As mentioned, there is some voluntary
15 manufacturer support of the use of the bittering agent.
16 Industry as a whole supports public education efforts to
17 prevent exposure and poisonings.

18 The Greater Chemical Industry produced a video
19 on safe use and storage and disposal of antifreeze
20 several years ago, and it is aired as a PSA.

21 Industry has proposed to develop a new video,
22 and staff has recommended at a minimum that the
23 1-800 cleanup number be included in the video as a source
24 of pollution prevention information, and recycling
25 locations.

1 Staff will revise the Board's antifreeze fact
2 sheet to educate residents and parents on the safe
3 handling of antifreeze, however the Board does not have
4 funds to support outreach.

5 At this time staff believe the Board should
6 apply the precautionary principle which simply states
7 that, "A lack of full scientific certainty shall not be
8 used as a reason for postponing cost-effective measures
9 to prevent environmental degradation on human impacts --
10 human health impacts.

11 The option to add an aversive agent can be
12 implemented immediately at a very low cost, with minimal
13 if any impacts to manufacturing and recycling operations
14 or to the use of the antifreeze products.

15 Considering all the information and issues,
16 staff recommends that the Board approve option two to
17 significantly reduce the impact on the health and safety
18 that occurs from the use of antifreeze in California.

19 Thank you. Do you have any questions?

20 BOARD CHAIR MOULTON-PATTERSON: Questions, Board
21 members?

22 Mr. Eaton.

23 BOARD MEMBER EATON: I was handed a packet of
24 letters.

25 BOARD CHAIR MOULTON-PATTERSON: I was going to

1 ex parte them for everybody.

2 BOARD MEMBER EATON: Could you do that?

3 BOARD CHAIR MOULTON-PATTERSON: Yes. Thank
4 you. I also received a packet just now and I want to ex
5 parte then, and they are support letters, letters in
6 support of staff recommendation. And I'll ex parte them
7 for all the Board members.

8 M. Elizabeth Deane, Kira Holmquist, Joan
9 Skorimara, Sharon Dowel, Evelyn Heller, Nancy Dumas, Jack
10 Meeks, Susan Sanders, Bob and Nancy Bryslin, Jay
11 Harker -- Jana Harker, and Donald T. Lee. So if you'll
12 ex parte those for all the Board members.

13 Any questions or comments at this time?

14 Mr. Eaton.

15 BOARD MEMBER EATON: I have a question or two.
16 Could you please explain the difference in corrosive
17 properties of each of the, what is currently in
18 antifreeze and what you're proposing?

19 MS. WARD: Oh, I'm not sure that I understand
20 the question.

21 BOARD MEMBER EATON: Well my understanding is,
22 in speaking with individuals that do a lot of the
23 recycling at Yosemite National Park when I was there,
24 that one of the issues that they have is the corrosive
25 nature of the additive that you're asking for is more

1 corrosive, and therefore there's a greater likelihood of
2 your unintended corrosive of hoses in radiators, and
3 therefore they're fearful that it will actually increase
4 the poisoning of the animals.

5 So what background do we have on the corrosive
6 nature of the additive?

7 BOARD MEMBER EATON: You're talking about the
8 denatonium benzoate?

9 BOARD MEMBER EATON: Uh-huh.

10 MS. WARD: Well it does biodegrade. It is a --

11 BOARD MEMBER EATON: Does it corrode more like,
12 you know, in our radiators? I mean that's what they were
13 worried about. They felt -- well I mean, what do we
14 have? Do we have any background on the corrosive nature?

15 MS. WARD: We haven't found anything to show
16 that there is a problem with it. They've been using it
17 in the United Kingdom for a number of years now, and they
18 haven't had any problems with it.

19 And there have been other issues that have
20 arisen, like people think there's a problem with it
21 getting into the groundwater and being a problem there,
22 but because it biodegrades that it won't be, after it
23 breaks down, I mean it's not there anymore.

24 Again it does, it is a, slower to biodegrade,
25 but then again you have to think -- well I don't know if

1 this is really an argument, I mean how much of it is
2 actually going to be illegally disposed of. I mean our
3 key is to not have it disposed of at all, albeit
4 illegally.

5 BOARD MEMBER EATON: Absolutely. I mean we
6 should have a program for proper disposal, but that's
7 what they were using it for, they have a recycling
8 operation, they were the leaders, I think, in the
9 National Park System on that.

10 One of the issues they had was basically the
11 changeover costs, and you said that those would be
12 minimal.

13 MS. WARD: Well with the denatonium benzoate it
14 comes out in the beginning of the process for recycling
15 in terms of when they're recycling the product, so there
16 isn't an issue there at all.

17 And the other would be the spillage, and that
18 would be as long as it takes to biodegrade.

19 BOARD MEMBER EATON: Is there a different
20 process that's involved with taking out one over the
21 other?

22 MS. WARD: You mean between the propylene glycol
23 and the denatonium?

24 BOARD MEMBER EATON: Yeah.

25 MS. WARD: Let's see. No, you know, I don't

1 know all the details of the actual process of recycling,
2 but I know that in the denatonium benzoate, that will
3 come out in the first phase of the processing, I guess up
4 to a certain temperature, and that's out of there.

5 But then with the propylene glycol and the
6 ethylene glycol, when those are reprocessed, of course
7 they're reprocessing to save the product, it's just
8 taking out the heavy metals and doing whatever they have
9 to do to make it back into antifreeze.

10 And I know that there's probably someone here
11 that knows a lot more about this than I do that will
12 probably be speaking, and I don't know if they might
13 address that.

14 BOARD MEMBER EATON: Well then, maybe I'll save
15 the questions for them. Thank you.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any
17 other questions at this time? We have a number of
18 speakers. Should we go ahead, Board Members? Okay.

19 Thank you, Ms. Ward.

20 Beverlee McGrath of the Doris Day Animal League.

21 MS. McGRATH: Hi, Beverlee McGrath, Western
22 Regional Director of the Doris Day Animal League, and I'd
23 like to thank you for even considering this issue.

24 Naturally our first preference would be a
25 complete ban on ethylene glycol. It's a known

1 carcinogen. It's extremely lethal, as Anna Ward
2 expressed to you, and the danger to pets is just
3 overwhelming.

4 There are so many reports of the kidney failure
5 which leads to the death, it's a very slow, painful
6 death, and we see no reason for anyone who's concerned
7 about human and pet safety to even continue with the
8 production of ethylene glycol antifreeze. That would be
9 our first preference.

10 However, in 1993 Doris Day Animal League was the
11 sponsor of legislation to add the denatonium benzoate to
12 the ethylene glycol antifreeze. Assemblyman Jack
13 O'Connell carried the bill on the Assembly side, and
14 Senator David Roberti very brilliantly carried it on the
15 Senate side.

16 The bill was vetoed because of the automotive
17 industries opposition, the California Manufacturer's
18 Association, and the California Chamber of Commerce, and
19 they stated at that time there were not studies that
20 showed that, in effect, the denatonium benzoate was
21 effective in deterring any ingestion of the ethylene
22 glycol antifreeze. It was supported by the California
23 Poison Control Centers and all of the medical community.

24 Since that time a new company manufactured in
25 India C-Tech Corporation, has done extensive studies on

1 the ingestion of animal, of antifreeze with animals and
2 humans, and they have conclusively concurred that it is,
3 in fact, a deterrent, and it will work very well in the
4 ethylene glycol antifreeze.

5 And to address your concerns, there are no
6 studies that show in any way that it is more corrosive in
7 any way than the ethylene glycol. So I don't know what
8 you were referring to, and I have submitted a whole pile
9 of stuff to Anna Ward on the different studies that show
10 the toxicity of ethylene glycol, the non-toxicity of
11 propylene glycol, and the effectiveness of denatonium
12 benzoate which, as you heard from Anna, is used
13 throughout Europe in the antifreeze.

14 Industry continues to be concerned, they say,
15 about human and pet safety, and yet you will hear today
16 I'm sure every argument imaginable as to why denatonium
17 benzoate should not be added to antifreeze, and why
18 nothing should be done at all, that they feel education
19 is the answer.

20 We don't feel that way. We feel that the
21 bittering agents are there, they're effective, we've
22 shown they're effective; we would love for you to do our
23 second choice which is to support legislation that would
24 require the addition of denatonium benzoate.

25 Senator Jack O'Connell has approved the language

1 that I have submitted to staff for carrying this bill
2 next year, and we would hope that you would support it
3 and approve this and we can move forward.

4 Doris Day Animal League is committed to doing
5 all of the lobbying that is necessary, coordinate all of
6 the testimony at the committee hearings, and C-Tech has
7 agreed to actively support this legislation.

8 So we would hope that you would go forward with
9 the second choice which is to add the denatonium
10 benzoate.

11 Do you have any questions?

12 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.
13 McGrath. Any questions?

14 Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Thank you. I have a
16 communication from the opponents of adding the bittering
17 agent suggesting that the Humane Society concluded that
18 there was no data to show that aversive agents prevented
19 ingestion by animals. You're suggesting that there is
20 information, right?

21 MS. McGRATH: There is information. I have
22 submitted that to Anna Ward. It's fairly new information
23 C-Tech has just recently started distributing in this
24 country three months ago, so perhaps they were not aware
25 of the studies and the data that you now have at your

1 disposal.

2 BOARD MEMBER PAPARIAN: Okay. Thank you.

3 MS. McGRATH: Thank you.

4 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

5 BOARD MEMBER JONES: Is this organization in
6 India, are they the only providers of this material?

7 MS. McGRATH: No, they're not. Bitrex has been
8 the leader in producing denatonium benzoate and selling
9 it in this country. They, their headquarters, they were
10 in Scotland, now they're in England; they were the leader
11 and they still remain the leader as far as distribution;
12 however, their studies are extremely limited, they only
13 conducted one study and I think there were less than
14 fifteen animals involved and no humans. So Proctor and
15 Gamble was involved with them, but they're the leader.

16 So now we have C-Tech which has aversion, and we
17 also have Ro-Pel by Burlington. So those are the three
18 leading manufacturers of denatonium benzoate.

19 BOARD MEMBER JONES: Okay.

20 BOARD CHAIR MOULTON-PATTERSON: Any other
21 questions?

22 Thank you, Ms. McGrath.

23 MS. McGRATH: Thank you.

24 BOARD CHAIR MOULTON-PATTERSON: Elizabeth Deane.

25 MS. DEANE: Good morning. I'm Elizabeth Deane,

1 I'm with Paul Hastings, and I'm here on behalf of Demenno
2 Kerdoon. Demenno Kerdoon is one of the largest recyclers
3 of antifreeze in California. And I want to speak really
4 just to the ban issue. We don't have a lot to say on the
5 use of aversive agents, we don't oppose that.

6 With respect to the ban, there are just some
7 special considerations on the recycling side. Unlike
8 manufacturers of new product, recyclers have to take
9 whatever they get. And even if you put a ban on the use
10 of ethylene glycol and the manufacturer of virgin
11 product, you're going to continue to have spent product
12 over the years as people gradually empty out their
13 radiators.

14 And we will have no market for that if we are
15 required as recyclers not to resell recycled ethylene
16 glycol.

17 So we're asking, first of all, that with respect
18 to if a ban is imposed or if legislation is put forward
19 to put a ban into place, that recyclers be exempted from
20 that and be allowed to continue to sell recycled ethylene
21 glycol until it naturally, until the stream naturally
22 ends.

23 And then with respect to kind of logistical
24 problems on the recycling side, even if a ban is not
25 imposed on recyclers, we have certain constraints in

1 terms of processing propylene glycol and processing
2 ethylene glycol.

3 With ethylene glycol we can have up to fifteen
4 percent of other kinds of glycol in the mixture.

5 With propylene glycol we can only have up to one
6 percent under ASTM standards.

7 So if we gradually increase the amount of
8 propylene glycol, and we're continuing to sort of have
9 these two streams over the years as the use of ethylene
10 glycol gradually decreases, we will have a situation
11 where we won't be able to recycle the product unless the
12 two streams are segregated; and that creates sort of
13 logistical problems with respect to how we go about
14 keeping those streams separate at the generator level,
15 and then also at the recycling facility, how we keep
16 those streams separate; because everything that we use in
17 terms of our equipment, tanks and so on, would have to be
18 permitted.

19 So if a ban were considered and legislation were
20 put forward, we would ask that these logistical issues be
21 considered, and that we be given some kind of
22 consideration as to permitting and that sort of thing.

23 So I guess I'll open it up for questions. I've
24 already submitted these issues in writing, and I'd be
25 happy to answer any questions.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.

2 Questions? I see none.

3 Thank you very much for being here.

4 MS. DEANE: Thank you.

5 BOARD CHAIR MOULTON-PATTERSON: Laurie Nelson.

6 Good morning.

7 MS. NELSON: Good morning, Madam Chair and
8 members. I'm Laurie Nelson, I'm representing Apgascap
9 which is the antifreeze association.

10 And with me today are representatives from the
11 Prestone Company, Dr. Peter Woyciesjes, and he'll be able
12 to answer any technical questions you may have after my
13 presentation.

14 One of their three manufacturing plants is
15 located in Torrance, California. So they are invested in
16 California, they have a presence in California, and we
17 want to be responsive to California's concerns.

18 What I want to share with the Board today are
19 two things; what we've done to date that shows how
20 committed we actually are to product stewardship.

21 And number two, why, as a result of that, we
22 have such grave concerns with what your staff is
23 recommending today.

24 Just two initial points, and that is, we are
25 talking about consumer product companies. And because

1 we're consumer product companies, we care about the
2 consumer. That relationship is key to our business.

3 Secondly, we're also talking about a high volume
4 product. We're talking about seventeen million gallons
5 sold annually in California. So we do not take this
6 proposal lightly.

7 So on the history of product stewardship. We
8 share the Board's concern with any unintentional exposure
9 to our product, and we have been working for years to
10 lessen the impact of our product.

11 Some of the voluntary steps we've taken were
12 child resistant caps before they were mandated. As an
13 additional safety measure we have foil on top to help
14 prevent spills.

15 Label warnings on safe use and storage and
16 disposal.

17 We underwrite calls to the National Animal
18 Poison Control Center, which means that there's no cost
19 to anyone calling in on antifreeze calls.

20 We have a collaborative partnership with the
21 ASPCA.

22 We've sponsored educational efforts on Antizol
23 which is the antidote FDA approved for antifreeze in
24 1997.

25 We have an 800 number.

1 We have a website.

2 And we have extensive distribution of public
3 service announcements.

4 We think that all of this activity has been very
5 successful, and I think it's reflected in the low numbers
6 of exposures.

7 California's Poison Control Center receives
8 300,000 calls annually. Of that, only 67 of those calls
9 are for kids that are exposed under six to antifreeze.
10 And those are not all ingestions, those are exposures or
11 questions parents may have. None had major or even
12 moderate effects, and there have been no deaths in
13 children under six due to antifreeze since they started
14 collecting data in 1983. The only deaths, as Anna
15 stated, were from adult male suicides.

16 But even with these low numbers you could say,
17 "If you are truly committed, why don't you just add the
18 bittering agent?" And your staff report indicates it's
19 not all that expensive. We figure a little bit more,
20 maybe three to five cents.

21 So let me just say two things:

22 One, it's not the money.

23 And two, it all comes down, again, to product
24 stewardship and the unknowns.

25 The two major factors are, as I mentioned, the

1 unknowns; and then I also want to go to the position on
2 the experts in public safety and what they have to say on
3 aversive or bittering agents.

4 First the unknowns on these aversive agents.
5 There's no complete toxicity profile that's been done on
6 these agents. There's limited information on chronic
7 human exposure. There's a lack of data on
8 carcinogenicity, reproductive toxicity, and denatonium
9 benzoate does not totally biodegrade, thus the
10 environmental impact is unknown.

11 Now I want to go to the, what the experts have
12 to say. And if you'll indulge me, I just want to do a
13 couple of direct quotes.

14 The first is from the American Association of
15 Poison Control Centers. This is the 1993 letter to
16 California when that bill Ms. McGrath mentioned was going
17 through. They say,

18 "Children will drink relatively
19 large amounts of products, such as
20 kerosene, that are quite unpalatable
21 to adults. It is extremely unlikely
22 that adding Bitrex will prevent
23 poison exposures. Before legislation
24 is passed requiring the addition of
25 aversive agents to products, it's

1 critical to determine whether their
2 addition would limit the poisoning
3 frequency or severity and would not
4 produce additional problems."

5 And this is consistent with current Consumer
6 Products Safety Commission's position as well.

7 And on the Consumer Products Safety Commission,
8 this is the premiere federal agency charged with
9 protecting the consumer. And what they have to say is
10 that,

11 "The lack of effectiveness data
12 and concerns about the environmental
13 impact of widespread aversive agent
14 use were major issues in 1992. Very
15 little new information about the
16 effectiveness of bittering agents has
17 been generated since that study was
18 completed. The majority of deaths
19 and injuries from antifreeze appear
20 to be intentional abuse and suicides
21 by adults."

22 And finally they,

23 "Appreciate the concern by the
24 American Medical Association which
25 made this proposal, however, at this

1 time adequate information is not
2 available for staff to recommend a
3 bittering agent to ethylene glycol
4 antifreeze."

5 Just two more quick ones. One is the National
6 Animal Poison Control Center. They conducted a
7 literature review in '99 searching for published research
8 describing the efficacy of denatonium benzoate, Bitrex,
9 as a deterrent to ingestion of substances by dogs or
10 cats.

11 "We were unable to locate
12 scientific data supporting the
13 deterrent benefits of denatonium
14 benzoate in dogs or cats. A query of
15 veterinary toxicologists also failed
16 to reveal knowledge of published data
17 that may have been missed during the
18 literature search."

19 BOARD MEMBER ROBERTI: Madam Chair.

20 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

21 BOARD MEMBER ROBERTI: I think Ms. McGrath's
22 testimony addressed that. But assuming that your
23 testimony is absolutely correct, even if there is no
24 information that the animal won't ingest, once it's
25 ingesting a bittering agent they'll ingest less, and I

1 don't think your data goes to that.

2 And the amount of a poisoning agent that you
3 ingest is every bit as important as to whether they're
4 ingesting it at all as to whether it's lethal or not.

5 MS. NELSON: Oh, absolutely, Senator, but I
6 think the point of the National Animal Poison Control
7 Center was that it wasn't a deterrent, the bittering
8 agent did not deter dogs or cats.

9 BOARD MEMBER ROBERTI: Assuming that's the case,
10 and just for point of argument I don't accept it, but I'm
11 just trying to make the point that it doesn't get to the
12 other point, and that's the amount that's ingested.

13 Even if it were not a deterrent to ingesting, it
14 doesn't indicate that once, once the animal, or for that
15 matter a human being tastes, a child, for example, tastes
16 how bitter it is, they're not going to take too much
17 more.

18 MS. NELSON: Well Proctor and Gamble I think was
19 referred to earlier. And back in '91 they have done
20 relatively extensive studies on a bittering agent, they
21 had temporarily added it to a detergent. And they found
22 no lessening of either ingestion or dose because of the
23 addition of a bittering agent, which is one of the
24 reasons the Governor vetoed the bill.

25 But just to finish up if I might, and that's

1 with the Federal Department of Agriculture in 1999, and
2 this is again a quote:

3 "However, there is little or no
4 evidence that these substances
5 effectively deter consumption by any
6 species under anything but the most
7 artificial circumstances."

8 And then I just want to finish up, because some
9 of you have probably heard that Oregon has passed a law
10 that requires the addition of Bitrex to antifreeze, and
11 you may say, "Well, if Oregon did it, why can't
12 California?" And I just want to make three points on
13 Oregon.

14 The first is in 1993, this is Oregon's
15 Department of Environmental Quality, and what they say
16 is:

17 "We have concluded there is
18 insufficient data available to
19 perform a reliable environmental fate
20 assessment of this chemical at this
21 time."

22 Two, because of that, the industry was granted
23 immunity from liability for any injuries, deaths, or
24 property damage as a result of including an aversive
25 agent in recognition of that complete lack of data.

1 Finally, the Journal of Public Health published
2 an article in 2000 that said,

3 "We can't measure the
4 effectiveness of Oregon's rule in
5 preventing serious injury or illness,
6 because of the low numbers of serious
7 injuries involving antifreeze."

8 I'm not saying -- like I said, we share your
9 concern, we want to work with you, we want to limit
10 unnecessary exposures as much as possible.

11 I have with me Jeannine Lane who would like to
12 go into some detail about what the industry has done and
13 what we'd like to do as far as education of the consumer.

14 Again, I have Dr. Peter Woyciesjes who will
15 answer any technical questions you have about this
16 presentation.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any
18 other questions at this time? Okay, then we'll have
19 Jeannine Lane, Honeywell Consumer Products Group.

20 MS. LANE: Good morning, Madam Chair, members of
21 the Board and staff, and I thank you for the opportunity
22 to be here with you this morning.

23 As Ms. Nelson noted, my name is Jeannine Lane,
24 and I'm the chairman of an industry association comprised
25 of the major antifreeze manufacturers in North America.

1 I'm also the Vice President of Honeywell
2 Consumer Products Group which are the makers of Prestone
3 antifreeze, and as Laurie noted, we have a significant
4 presence right here in Torrance, California with the
5 antifreeze plant.

6 I wanted to give you just a little background on
7 our product stewardship program. Specifically, our
8 public service announcement programs that we've had in
9 place since 1995.

10 In 1995 our industry group developed and
11 initiated a public service campaign in order to educate
12 the public on the proper use, storage, recycling, and
13 disposal of antifreeze products.

14 Together with the American Association of Poison
15 Control Centers, we produced public service announcement
16 for radio and T.V. distribution. These public service
17 announcements were distributed in both English and
18 Spanish languages. The PSA was played often and placed
19 in A.C. Neilson's top fifteen most frequently played
20 PSA's. And through 1998 alone registered over one
21 billion viewer impressions nationwide.

22 We didn't stop there. We maintained media
23 reports in order to ensure that these PSA's were getting
24 the distribution and the play we required.

25 Now, as with any program you have to keep things

1 fresh, you have to keep your stewardship ongoing and
2 daily, and as a result of that, in 2000 we decided that
3 we were going to prepare a new public service
4 announcement for national distribution.

5 This new series will be produced right here in
6 California using local representative demographics. As
7 with our successful first public service announcement,
8 we will produce both English and Spanish versions for
9 network, cable, and radio distribution.

10 We are going to work with a third party
11 consultant who is going to be a specialist in this area
12 to ensure national penetration. And we will support the
13 launch and the rollout of the public service announcement
14 with extensive press releases by each of the industry
15 members.

16 We, like the Consumer Products Safety
17 Commission, believe in the proven poison prevention
18 programs of child resistant closures, which we maintain
19 on all our antifreeze products; of appropriate packaging
20 and labeling which we maintain on all our antifreeze
21 products; and of parental education.

22 With our newest PSA program, we believe the
23 circle is complete, and we look forward to supporting
24 this with the Integrated Waste Management Board.

25 That's all I have, and I'd be happy to answer

1 any questions.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any
3 questions at this time for Ms. Lane? Thank you very
4 much.

5 I have, the last speaker slip I have is Dr.
6 Peter M. --

7 MS. NELSON: Woyciesjes.

8 BOARD CHAIR MOULTON-PATTERSON: Woyciesjes,
9 thank you. And it says on here you're available to
10 answer technical questions.

11 Did you have anything you'd like to speak on, or
12 do you just want to reserve time for questions?

13 DR. WOYCIESJES: If there are any questions I'd
14 be happy to answer them.

15 BOARD CHAIR MOULTON-PATTERSON: Board members,
16 any questions for Mr. -- Dr. --

17 BOARD MEMBER PAPARIAN: I think Mr. Eaton may be
18 first.

19 BOARD CHAIR MOULTON-PATTERSON: I'm sorry, Mr.
20 Eaton.

21 BOARD MEMBER EATON: I just want to see if I
22 could get an answer to what I was, discussed when I was
23 at the Assembly about the corrosive properties of each of
24 the respective formulas.

25 DR. WOYCIESJES: In terms of the denatonium

1 benzoate, at the levels that are currently being used,
2 there are no negative corrosivity issues in the cooling
3 system. So that is not an issue.

4 BOARD MEMBER EATON: Thank you.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.
6 Medina and then Mr. Paparian.

7 BOARD MEMBER MEDINA: Madam Chair, I did have a
8 question of staff or whoever might answer this, and that
9 is in regard to whether there are any possible safe
10 markets for ethylene glycol besides for use as an
11 antifreeze?

12 DR. WOYCIESJES: I do know that ethylene glycol
13 is used extensively in airplane de-icing, de-icing of
14 coal and railroad cars, de-icing of roads and bridges, so
15 it is used pretty extensively as a de-icer.

16 BOARD MEMBER MEDINA: So there are other markets
17 and other uses for it besides as an antifreeze?

18 DR. WOYCIESJES: Correct.

19 BOARD MEMBER MEDINA: Thank you.

20 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.
21 Paparian.

22 BOARD MEMBER PAPARIAN: Thank you. The, Ms.
23 Nelson suggested that there are concerns about the use of
24 the bittering agent, and those concerns relate to the
25 safety and effectiveness, the human safety of the

1 bittering agent, and the effectiveness of the bittering
2 agent.

3 Are you or did anyone you know of do any
4 research on those topics or on alternative bittering
5 agents that could pass the test of being effective and
6 safe?

7 DR. WOYCIESJES: There have been a number of
8 studies conducted over the years and were summarized by
9 the U.S. Consumer Product Safety Commission at a various
10 number of bitterants. None of the bitterants were
11 effective, could be proven effective in deterring
12 ingestion.

13 The choice of denatonium benzoate, they have
14 shown that it is not biodegradeable, there have been a
15 number of studies that were summarized by U.S. Consumer
16 Products Safety Commission that showed that the only part
17 of the denatonium benzoate molecule that was
18 biodegradeable was the benzoate, and the denatonium
19 portion was persistent in the environment.

20 BOARD MEMBER PAPARIAN: Are you or anybody
21 associated with the industry doing research to try to
22 find a more effective bittering agent?

23 DR. WOYCIESJES: We are, of the ones that are
24 currently out there, we have looked at all of 'em and
25 have not found any information on them, and no new

1 bitterants have been offered.

2 BOARD MEMBER PAPARIAN: But is the industry
3 trying to pursue development of better bitterants?

4 DR. WOYCIESJES: We are not a producer of
5 bitterants and I'm not familiar with the work that the
6 bitterants companies are doing.

7 BOARD MEMBER PAPARIAN: Okay. And then we heard
8 from our staff that in Europe there are areas where
9 either bitterants or the alternatives are being used, are
10 you familiar with that, the alternative to propylene
11 glycol?

12 DR. WOYCIESJES: I'm familiar with the use of
13 the propylene glycol, yes.

14 BOARD MEMBER PAPARIAN: Are you aware of any
15 other countries that are using bitterants?

16 DR. WOYCIESJES: I can't give you the specifics
17 on the countries that are using the bitterants, but I am
18 aware, for instance, in England they have used it, but
19 cannot give you all the countries that, I mean I've heard
20 that Japan and Australia are also using it but --

21 BOARD MEMBER PAPARIAN: Have you heard any
22 reports from your perspective on, you know, the
23 effectiveness or non-effectiveness in those countries?

24 DR. WOYCIESJES: I do know that the denatonium
25 benzoate in coolants breaks down in use. So are you

1 talking deterrent in the new bottle or upon disposal?

2 BOARD MEMBER PAPARIAN: As, as, in terms of its
3 intended use as a deterrent?

4 DR. WOYCIESJES: As a deterrent in the bottle
5 denatonium benzoate will persist as long as it's not
6 elevated to 150 to 130 degrees F. In a bottle it will
7 decompose and disappear depending on the formulation.

8 So you would have to be very careful on the use
9 of denatonium benzoate in various antifreeze products.

10 In terms of disposal at the completion, it's
11 been shown that it breaks down and is no longer the
12 denatonium molecule. As in terms of effectiveness of the
13 by-products in deterring, no one, even the bitterants
14 manufacturers, have not done any studies on those
15 molecules.

16 BOARD MEMBER PAPARIAN: Okay. Thank you.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you very
18 much. Oh, Mr. Jones, I'm sorry.

19 BOARD MEMBER JONES: So just to follow up on
20 what you just said because it interests me. You said
21 over 130 degrees the bittering agent starts breaking
22 down?

23 DR. WOYCIESJES: Correct.

24 BOARD MEMBER JONES: So an engine runs at 230
25 degrees.

1 DR. WOYCIESJES: Correct.

2 BOARD MEMBER JONES: So really the bittering
3 agent would only be effective or, or -- I guess if it
4 breaks down, then any leakage from a car when they're
5 doing a repair where some antifreeze might leak to be,
6 you know, let's say small puddles or something, would
7 that material have already broken down and not be
8 effective?

9 DR. WOYCIESJES: In some antifreezes it will
10 have broken down, in others there may be some amount of
11 it remaining. You would have to do a case by case
12 analysis of each coolant on the market.

13 BOARD MEMBER JONES: So the bittering agent
14 basically -- I mean if we're looking at this thing to say
15 we want to make sure that animals and kids don't get into
16 this, and we're driving down the highway and we blow a
17 water pump and there is a puddle; if that vehicle had
18 been operating at its normal operating temperature is
19 which is about 235, 250 degrees, then that material, that
20 bittering agent would have already broken down and not be
21 effective, so if a cat or dog does come up and do it,
22 there's nothing there that's going to prevent it because
23 the bittering agent would have already started breaking
24 down?

25 DR. WOYCIESJES: That is my opinion. And in

1 terms of what is the appropriate level for a dog or cat,
2 that has not been determined.

3 Reports have suggested that it is higher than in
4 humans, as much as ten to one hundred times less
5 effective. And even in humans the U.S. Consumer Products
6 Commission has indicated that from 15 to 30 percent of
7 the population due to genetic issues may be bitter blind.
8 So it is like being color blind, they just may not detect
9 bitterness in their taste. So there are a lot of issues
10 that still needed to be resolved.

11 BOARD MEMBER JONES: Thank you. And then I
12 don't know if you can answer the question or somebody
13 else. If the state of Oregon which wants a bittering
14 agent in, relieves industry from, they relieved them from
15 liability for health, property and what was the, what was
16 the other?

17 MS. LANE: Personal injury.

18 BOARD MEMBER JONES: Personal injury. So
19 they're saying basically if this is the next MTBE that
20 you're not liable for the cleanup of that material?

21 MS. LANE: Right.

22 BOARD MEMBER JONES: They resolved -- oh, okay.
23 Thank you.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you very
25 much. That ends our public comments.

1 I'll open it for Board members comments. Mr.
2 Medina and then Mr. Eaton.

3 BOARD MEMBER MEDINA: Madam Chair, based on the
4 testimony that we heard here today I am inclined to
5 support option two; not so much as, you know, because it
6 would incorporate the adding of a bittering agent, but
7 more so to get it before the state legislature once again
8 and hopefully have a better result under the current
9 Governor than we did with the previous Governor.

10 I just wanted to add that from my perspective
11 ethylene glycol does present an existing danger to
12 children and animals. I know that in regard to animals,
13 on a daily basis back in Elk Grove near Sacramento I walk
14 my dog twice daily, once in the morning for one mile, and
15 this is in a fairly new subdivision, been around three
16 years, it sort of looks like the set for the Truman show;
17 and I notice as I walk around, because this is new
18 pavement, that there are puddles of antifreeze on the
19 pavement, particularly in those cases where you see older
20 automobiles.

21 And you know, when you have an older car that
22 leaks, either brake fluid, transmission fluid,
23 antifreeze, that it's very likely that the owner keeps a
24 supply of it in the garage to refill that need.

25 And so, having seen these puddles as I walk

1 around, and having seen any number of cats wandering
2 around loosely in the neighborhood, I know that, you
3 know, there is this danger to the animals as they run out
4 on the street, and also to the children given the supply
5 that the owner may keep in their garage.

6 So I very strongly support the option two
7 because once again this will bring it up for debate
8 before the state legislature; and again, given that there
9 is a safe market for the use of ethylene glycol, I think
10 that we do need to move forward in regards to this issue.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
12 Medina.

13 Mr. Eaton.

14 BOARD MEMBER EATON: I just have a question, and
15 I'm not sure who it should be directed at, perhaps staff
16 or we as fellow Board members.

17 What is the process by which we select the
18 option? And by that I mean are we going to develop the
19 legislative proposal as part of a Board proposal, or are
20 we going to support another legislator's proposal that
21 may incorporate that option?

22 And the reason why I bring it up is because it's
23 very important from a processing standpoint. I don't
24 have a problem with the principles or anything, but I
25 think there are conflicting issues such as does it hurt

1 and affect recycling? They need to be addressed within
2 the proposal, not necessary that it weakens the proposal
3 or anything, but just a balancing of interest.

4 And if so, if it is our own proposal, then we
5 have to go through the regular process by which it goes
6 through the regular channels upward and outward for
7 approval. That's one way.

8 If it's the other way, we're going to support
9 another legislator's proposal, then that proposal and
10 that language has always historically been brought back
11 before the Board so we can take a view of that language
12 to see whether or not it comport with our own view as a
13 Board.

14 So I, just for clarification, it has nothing to
15 do with support or opposition, I just want to know what
16 process we'll be using here.

17 BOARD CHAIR MOULTON-PATTERSON: Well it would be
18 my thought that if we adopted staff recommendation number
19 two, that we would support, and with bringing back the
20 language of Senator O'Connell's bill. Is that everyone
21 else's opinion? Okay.

22 Thank you. Other comments?

23 BOARD MEMBER ROBERTI: Madam Chair.

24 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

25 BOARD MEMBER ROBERTI: Along the lines of what

1 Mr. Eaton was saying, I think we can say we are endorsing
2 Senator O'Connell's bill. And that endorsement can be
3 made public, but that certainly doesn't preclude us from
4 making a review of the next meeting of the Board. But I
5 wouldn't want to wait another month because another month
6 we get rather deep into the session.

7 BOARD MEMBER EATON: Senator, is there already a
8 bill? I wasn't aware that there was a bill, so that's
9 why I raised the issue.

10 BOARD MEMBER ROBERTI: No, staff is shaking its
11 head -- his head. Its head? No.

12 BOARD MEMBER EATON: There is or there isn't?

13 BOARD MEMBER ROBERTI: That there is not, there
14 is not a bill. I thought there was.

15 BOARD MEMBER EATON: No, I wasn't try to delay.

16 BOARD MEMBER ROBERTI: No, I understand.

17 BOARD MEMBER EATON: I'm just trying to figure
18 out what we can look at so we might be able to have some
19 input or, you know, it could be a Board sponsored bill
20 for all we know. I just want to find out what the
21 process is, but --

22 So it's not here. Okay, so that does give us
23 some ability to support a principle, but not
24 necessarily --

25 BOARD MEMBER ROBERTI: Well if there is no bill

1 we could have a Board sponsored bill, and if somebody
2 else simultaneous with us wants to put his own bill in.

3 BOARD MEMBER EATON: That's what option two says
4 that we will develop it. That's why I was wondering.

5 BOARD MEMBER ROBERTI: Yeah, that's developing
6 it. If Senator O'Connell or some other Senator or
7 Assembly member decided to, on his or her own reached an
8 independent conclusion, there's no problem working with
9 them at the same time.

10 Madam Chair.

11 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

12 BOARD MEMBER ROBERTI: On what's before us, my
13 own preference is to require propylene glycol, however I
14 don't know if I want to make a specific motion to that
15 effect because I'm sensing that the Board is leaning
16 toward option two which is a viable option as well.
17 So --

18 BOARD CHAIR MOULTON-PATTERSON: Okay. I would,
19 I still personally have some concerns about the ban, but
20 I certainly would be in favor of the bittering agent.

21 I know I've had relatives and friends that have
22 lost cats to antifreeze, and I feel very strongly about
23 this. I think we've talked about it for almost a year
24 now, I remember Ms. Ward giving her presentation last
25 August in Fountain Valley, and so I think it is time for

1 us to take a position. And I would certainly entertain a
2 motion, Senator Roberti.

3 BOARD MEMBER ROBERTI: Yes, I will move that the
4 Board develop legislation to add a bittering agent to
5 antifreeze, whether it is ethylene glycol or propylene
6 glycol.

7 BOARD MEMBER ROBERTI: Okay. Do we have a
8 second for that?

9 BOARD MEMBER EATON: Senator, could I ask that,
10 perhaps as a courtesy to your motion, not affecting the
11 principle of the motion, but that in addition we have a
12 parallel track where we at the Board have a work group or
13 a stakeholder group, whatever you want to call that, that
14 can explore some of these other ancillary issues that
15 arose today with regard to impacts on recycling? And so
16 that we can get at least some, maybe we can reach
17 consensus on a couple of issues, but I don't want it to
18 be, to detract from the principle development, but just
19 as an ongoing --

20 BOARD MEMBER ROBERTI: I understand. The point
21 of the recycler was a legitimate point.

22 BOARD MEMBER EATON: And so, I mean, we'd have
23 this like work group that wouldn't be actually, you know,
24 it would be parallel, but I don't want it to detract from
25 your principle motion.

1 BOARD MEMBER ROBERTI: And that we establish a
2 work group to work on the legislation as it proceeds.

3 BOARD MEMBER EATON: Right, you know, because
4 there would be the Water Board, for instance, that may
5 have an impact, you know. Just sort of, you know,
6 working along those lines.

7 BOARD MEMBER ROBERTI: That this Board establish
8 a working group.

9 BOARD MEMBER EATON: Correct, absolutely.

10 BOARD MEMBER ROBERTI: That's fine with me, as
11 long as we have a, as long as we have an endorsement of
12 the bill at this time.

13 BOARD MEMBER JONES: The development of it right
14 now?

15 BOARD MEMBER ROBERTI: Right, that we develop a
16 bill. Because there's no bill that is passed, or very
17 few, as originally drafted.

18 BOARD CHAIR MOULTON-PATTERSON: Right.

19 BOARD MEMBER ROBERTI: Things do have to go
20 through an amending process.

21 BOARD MEMBER EATON: Absolutely, and that's my
22 fear.

23 BOARD MEMBER ROBERTI: So we have our own group
24 overseeing our participation in the bill and the amending
25 process, yes, that would be, I would endorse that as part

1 of the bill.

2 BOARD CHAIR MOULTON-PATTERSON: Just for
3 clarification, Senator Roberti. So we'd be at this time
4 working toward development of a bill, and if Senator
5 O'Connell had, you know --

6 BOARD MEMBER ROBERTI: And once introduced we
7 maintain a working group from this Board to continue the
8 development of the bill.

9 BOARD CHAIR MOULTON-PATTERSON: Okay. But if
10 Senator O'Connell comes up with a bill, we could at that
11 time maybe --

12 BOARD MEMBER ROBERTI: Yes.

13 BOARD CHAIR MOULTON-PATTERSON: -- hook into
14 that or support it?

15 BOARD MEMBER ROBERTI: Well yes, that's part of
16 the development of a bill.

17 BOARD CHAIR MOULTON-PATTERSON: Okay.

18 BOARD MEMBER ROBERTI: We found an author who
19 already had the idea, that's part of the development of
20 the bill.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. Do I hear
22 a second? Mr. Paparian, did you want to second that? Or
23 Mr. Medina?

24 BOARD MEMBER MEDINA: Second.

25 BOARD MEMBER PAPARIAN: I'll second it, fine,

1 yes.

2 BOARD CHAIR MOULTON-PATTERSON: Okay, we have a
3 couple of seconds here. Thank you.

4 We have a motion by Senator Roberti, seconded by
5 Mr. Paparian.

6 BOARD CHAIR MOULTON-PATTERSON: Madam Chair.

7 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

8 BOARD MEMBER JONES: Just a question. On the,
9 with the development of our own it was, I was really
10 comfortable with that. With talking about, I have a lot
11 of faith in Senator Jack O'Connell, he's done an awful
12 lot of good things in conjunction with this Board, but I
13 think it's important what Mr. Eaton said about this
14 working group.

15 I mean we have a state of Oregon that has
16 relieved liability of manufacturers that are providing
17 this bittering agent from property damage and health and
18 personal damage, that tells me that there is, there may
19 be a problem.

20 So I hope that we are going to work, like Mr.
21 Eaton suggested, this working group of the Water Board
22 and OEHHA and Toxics, because I don't think we want to be
23 supporting another MTBE, and I know we don't.

24 But I think it's important that we do that
25 because that's an indicator in Oregon in my mind if they

1 relieve liability, then they're nervous about what those
2 outcomes might be.

3 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you
4 Mr. Jones.

5 We have a motion and a second, please call the
6 roll.

7 BOARD SECRETARY VILLA: Eaton.

8 BOARD MEMBER EATON: Senator, that was agreeable
9 that we do --

10 BOARD MEMBER ROBERTI: A working group, yes.

11 BOARD CHAIR MOULTON-PATTERSON: Yes.

12 BOARD MEMBER EATON: Aye. I'm sorry, aye.

13 BOARD SECRETARY VILLA: Jones?

14 BOARD MEMBER JONES: Aye.

15 BOARD SECRETARY VILLA: Medina?

16 BOARD MEMBER MEDINA: Aye.

17 BOARD SECRETARY VILLA: Paparlian?

18 BOARD MEMBER PAPARIAN: Aye.

19 BOARD SECRETARY VILLA: Roberti?

20 BOARD MEMBER ROBERTI: Aye.

21 BOARD SECRETARY VILLA: Moulton-Patterson?

22 BOARD CHAIR MOULTON-PATTERSON: Aye. Motion

23 approved. Thank you.

24 Mr. Paparlian, did you have a --

25 BOARD MEMBER PAPARIAN: Yeah, just briefly,

1 Madam Chair, as we're getting ready for the next item. I
2 just wanted to make a brief introduction.

3 Joining us today is someone who has been very
4 important to me in my life, and someone for whom I
5 wouldn't be here if it weren't for him. My dad is here
6 in the audience, Bill Paparian. And my stepmother Gail
7 Paparian sitting next to him.

8 And both avid recyclers. And my dad, though he
9 doesn't think of it in these terms, has been conducting
10 quite a study on the effects of small white spherical
11 objects on grass cycling efforts in arid climates. And
12 if we ever need any particular expertise in that area,
13 I'm sure he'd be glad to provide it.

14 BOARD CHAIR MOULTON-PATTERSON: Well thank you
15 and welcome. We're really glad you could join us.

16 We're going to take a short ten minute break.
17 We need to set up a Power Point presentation for the next
18 item, and I think it's time anyway.

19 (Thereupon there was a brief recess.)

20 BOARD CHAIR MOULTON-PATTERSON: I'd like to
21 call the meeting back to order, please. Thank you.

22 Mr. Eaton, any ex-parte?

23 BOARD MEMBER EATON: None, thank you.

24 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones?

25 BOARD MEMBER JONES: No, ma'am.

1 BOARD CHAIR MOULTON-PATTERSON: I have none.

2 Mr. Medina.

3 BOARD MEMBER MEDINA: Joe Montoya, meet and
4 greet.

5 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
6 you.

7 Mr. Paparian.

8 BOARD MEMBER PAPARIAN: None.

9 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti?

10 BOARD MEMBER ROBERTI: Mrs. McGrath on the
11 antifreeze legislation, antifreeze resolution.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you. And
13 I misspoke, I also spoke to Ms. McGrath. Thank you.

14 And we're on item number three. Discussion of
15 opportunities and barriers to public venue recycling and
16 education. This is an oral presentation.

17 MR. O'SHAUGHNESSY: Good morning, Madam Chair
18 and members of the Board. My name is Trevor
19 O'Shaughnessy, a representative of the diversion,
20 planning and local assistance division for the Waste
21 Management Board. And I'm going to do a brief
22 presentation on the opportunities of public venues
23 recycling and education.

24 This has been a cross divisional and agency
25 effort that's been underway. This item is to present and

1 to provide an update of the successes to date. Due to
2 the time constraint, staff has streamlined its
3 presentation and a representative of the Division of
4 Recycling is available right after my presentation to
5 have his as well. And let's make sure we got a system
6 that works.

7 (Thereupon a slide presentation was shown.)

8 MR. O'SHAUGHNESSY: To begin with, the public
9 venues includes fairgrounds; arenas such as Arco Arena in
10 Sacramento or Staples; parks which include semi and
11 professional baseball, football, etcetera; and convention
12 centers.

13 At this point I'd like to provide examples of
14 different activities that have been going on from both
15 the private, local government, and state government
16 activities and program.

17 The first is Monterey Bay Aquarium. Monterey
18 Bay is a private organization and facility within
19 Monterey Bay. The program started in 1995. Their
20 diversion rate was not available at the time of the
21 making of the presentation, however they have a lot of
22 diversion programs going on.

23 Partners in their program include the City of
24 Monterey, Monterey City Disposal, and Bon Appetite which
25 is their caterer.

1 Monterey Bay programs implemented include
2 cardboard, beverage containers, aquarium screen wastes,
3 the materials that are screened out from the waters and
4 the animal wastes, as well as a food prevention program.
5 And this literally is preventing the food before it's
6 generated. Preparing the appropriate quantities of food
7 in small batches, and then as that batch is used they'll
8 prepare a few more. As an example, hot dog, maybe
9 prepare twenty hot dogs, when they get down to the five
10 prepare another ten or whatever the crowd is that
11 determines that.

12 They do have a public education program, and
13 that is reaching an audience of 1.8 million based on the
14 attendance of 2000.

15 The next would be the Los Angeles Convention
16 Center. This program was started in 1998. They have a
17 reported diversion of 44 percent from the specific
18 facility.

19 Partners in the program include the City of Los
20 Angeles, the vendors that come to their facilities, the
21 attendees that are participating and using the collection
22 containers, as well as DOC and DOR that supplies the
23 collection bins.

24 Materials that they're collecting at the Los
25 Angeles Convention Center include cardboard; a paper

1 collection program for both white and mixed paper;
2 beverage containers; scrap metal; and C and D. And those
3 are just the major programs that are being implemented.
4 They do have other activities and programs in which
5 they're implementing.

6 They do have an education program, letting their
7 vendors as well as their attendees know about the
8 activities that are going on. And their attendance for
9 2000 was 2.3 million for all events.

10 The next activity that I'd like to highlight is
11 the Board's Buy Recycled Tradeshow. The program did
12 start with the first trade show in the year 2000. The
13 diversion rate is not currently being tracked, because of
14 all the partners within the program it's making it
15 difficult for staff to get all the statistics.

16 However, through the 2000 and 2001 program, the
17 City of Sacramento has been a partner; along with the
18 prison industry; the City of Folsom, primarily taking the
19 food and organic materials into their composting program;
20 the Department of General Services; and staff made an
21 error, but the Division of Recycling also is a partner in
22 this program as well.

23 Materials that were collected at the Buy
24 Recycled Tradeshow include beverage containers, glass and
25 plastic; food waste diversion program; a paper collection

1 program; and although it's minor, but it's showing the
2 efforts and everything does count, the name tags were
3 even collected at the end of the show to use in upcoming
4 activities that the Board may sponsor.

5 This activity also focused on and did
6 distribution of recycled content materials. As an
7 example, they had trade show bags that were made from a
8 post consumer recycled plastic, as well as the brochure
9 was printed on a high post consumer paper to get out the
10 message that recycled content can be used in a high
11 quality fashion.

12 My last example is the Del Mar Fairgrounds.
13 They started their program in 1985. It's probably the
14 oldest example that we were able to find as a staff
15 example.

16 Their reported diversion in their AB 75 plan
17 that is tracked and is available through the numbers they
18 have is an 89 percent diversion, and they are, as a fair,
19 working towards a zero waste program because they've
20 recognized the benefits.

21 The partners in their program include the County
22 of San Diego; Solana Recyclers; A Clean San Diego, a
23 non-profit organization within the San Diego area; the
24 Department of Conservation; and the Integrated Waste
25 Management Board.

1 The primary materials they're collecting are
2 cardboard; beverage containers, glass and plastic; metal.
3 They have a pilot food waste diversion program where not
4 only do they take the food to a vermi composting or worm
5 demonstration area within the center portion of their
6 racetrack, but they are also working with their local
7 composter to mix it with their manure recycling program
8 to have a higher quality product in the end.

9 Their attendance for all events was more than
10 three million. And they do have an education program
11 with both community participation, local schools,
12 developing recycling posters, as well as additional
13 outreach activities.

14 Additional examples would include Raley Field
15 and Pac Bell Park -- excuse me, Pac Bell Park, Sears
16 Point Raceway, Los Angeles and Ontario Airports, Indian
17 gaming centers; and just as an example from a federal
18 side is the Yosemite Park.

19 That example is put up there because they have
20 such an exemplary program, staff is working with them to
21 understand how they have, and the steps they've gone
22 through to mirror that program within the state park
23 systems and achieve the AB 75 program.

24 And there's many, many more examples that staff
25 could provide, but again, to streamline our presentation,

1 it was just the four that were presented.

2 Accomplishments to date, what has the Board as
3 well as all the partners within these activities
4 accomplished? Well, bin designs.

5 The industry has worked to develop bins that are
6 both economically feasible to purchase, as well as work
7 and achieve the goals of the collection of the materials
8 that are trying to be collected, whether it's a bottle
9 and can, food waste, or other materials.

10 The waste industry is also working on focusing
11 on increasing and participation in composting programs
12 and opening additional composting operations.

13 Collection programs in large venues. It's a
14 different arena, it's a different audience, it's a
15 different program; it's not just put your materials on a
16 collection bin on the side of your curb as in a
17 household, it's actually individuals walking through a
18 larger area that they're not necessarily familiar with
19 and putting a collection program in place.

20 As well as cooperative agreements. The waste
21 industry is working cooperatively with large venues to
22 implement and set up recycling programs.

23 Major barriers that staff has seen from the
24 standpoint of setting and collecting materials are the
25 materials generated. There are other entities and

1 ordinances, state laws that require food items to be
2 wrapped in a specific way; so it's working with those
3 entities to understand how we might be able to lessen the
4 packaging, and not necessarily wrap something as complete
5 when it's only going to be unwrapped at the other side.

6 The lack of markets for materials. As an
7 example, a beer cup at a fair is a number two plastic,
8 but because it isn't a narrow neck, it's a wide top area,
9 some industry representatives are stating that that is
10 considered a contaminant because when it gets to a
11 processing plant they just see the wider lid and they
12 think, oh, that's a yogurt cup or something along those
13 lines. So it is a barrier.

14 Lack of composting for post consumer mixed food
15 and paper. The industries just have not been set up, and
16 it's a barrier that's been expressed by many entities
17 within the large venue arena.

18 Biodegradable products being cost comparative.
19 Right now it's my understanding there's really only one
20 major supplier of that, and their prices are a little
21 high right now. To bring those down, to make them cost
22 comparative with plastic products makes it better for the
23 fairgoers as well as the generators and the other
24 entities.

25 And then finally, visitor education. Education

1 is always a barrier to get the best message out, to let
2 individuals know about the recycling programs at a
3 specific venue.

4 Staff focus for the future is to continue the
5 development of case studies and work with entities
6 throughout the State of California and/or beyond those
7 boundaries to increase the overall recycling activities.

8 Support and continued outreach to local
9 government. As you noticed in all the examples, whether
10 it was private Monterey or Del Mar Fairgrounds, the local
11 government was participating in all those programs and
12 supporting them. So it's continuing to link the large
13 venues with those local governmental recycling programs
14 to get the support as well as the activities and
15 knowledge out there within the community.

16 Look for and obtain resources, whether it's
17 through grant programs or anything from the Waste
18 Management Board.

19 And finally, work with the Federal EPA. The
20 Federal EPA has been doing work within the large venue
21 arena, and they have some knowledge, expertise, as well
22 as fact sheets available as well.

23 That would conclude my presentation. But before
24 we go into questions to myself, I would like to introduce
25 the representative from the Division of Recycling and

1 that would be Scott Dosick.

2 BOARD CHAIR MOULTON-PATTERSON: Good morning,
3 Mr. Dosick.

4 MR. DOSICK: Good morning, Madam Chair and
5 members of the Board. Thank you for inviting me to be
6 here today. So I can demonstrate my incompetency with
7 anything other than a corded mouse.

8 Any other suggestions?

9 MR. O'SHAUGHNESSY: Try this on this side.

10 MR. DOSICK: If you could see the first slide,
11 what you would see -- it worked five minutes ago.

12 MR. O'SHAUGHNESSY: It did?

13 BOARD MEMBER EATON: You practiced cross media,
14 but not cross mousing.

15 MR. DOSICK: Exactly. I'll hope that it comes
16 up, but since the Board has a very full agenda today, why
17 don't I just summarize what you would have been seeing on
18 the wall behind you, and if it magically appears in the
19 next few seconds I'll invite you to turn around.

20 First, I want to thank the DOC and the Waste
21 Board collaboration team for inviting me here today as
22 well as the Board. I also want to thank Board Member
23 Paparian, because a lot of the impetus for our working on
24 this was discussions we had with him last year at this
25 time in regards to both what DOC and the Waste Board were

1 doing with their sports marketing programs.

2 I sure wish I'd printed out my handouts, but in
3 the effort of waste reduction I hadn't. So -- the screen
4 just went blank, but again I'm not sure if that's an
5 improvement.

6 Hey, here we go. I'll now invite you all to
7 turn around.

8 And I'm going to ask the folks -- great. If you
9 could see this picture, obviously we had some technical
10 difficulties today, I'm going to blame the x-ray machine
11 at LAX or SMF.

12 One of the challenges that the Department of
13 Conservation Division of Recycling has been facing
14 obviously is how to increase recycling. To that effect
15 we conducted a number of focus groups up and down the
16 state, and have conducted other qualitative research, and
17 have discovered there are two main reasons why
18 Californians are not recycling.

19 The first is it's not convenient. They don't
20 see the recycling bin, they're not going to wait and look
21 around for it.

22 The other problem is Californians just aren't
23 thinking about it. If you're not thinking about
24 recycling, whether you're finishing that bottle of soda
25 or whether it's a piece of paper you finished writing, if

1 you're not thinking about recycling, old habits die hard,
2 and the material ends up in the trash can again.

3 So the DOC approach has been to increase
4 awareness about recycling and the importance of
5 recycling, and to increase the convenience for all
6 Californians.

7 There are a number of ways that we have gone
8 about trying to increase the convenience. I should say
9 of the awareness, I think at another time if the Board
10 wants an update on our awareness program and our new PR
11 campaign I'd be glad to talk about it, but it's not
12 totally relevant to what we're talking about today.

13 But as far as increasing convenience, any event
14 that the DOC is sponsoring or participating in, we work
15 with the events coordinators to ensure that recycling
16 bins are available for materials that are being generated
17 at the site.

18 We sponsor each year as a result of legislation,
19 the local community Conservation Corps. And they are
20 available to get out there and work in areas where there
21 are not viable commercial recycling enterprises, to
22 provide recycling and collection services, not just for
23 beverage container material, but for paper and other
24 materials as well.

25 And we very much appreciate the efforts that

1 they've gone to, and the fact that they're able to get
2 out there, again, in areas that don't have economically
3 viable recycling opportunities.

4 We also sponsor Keep California Beautiful, and
5 they did a pilot program last year at thirty gas stations
6 in the City of Sacramento, and we found that the level of
7 contamination was extremely low, and the volume of
8 recyclables being collected went up each week that that
9 pilot program was in place.

10 And there was a great example where KCB was able
11 to provide the seed money for recycling bins, and the
12 Sacramento local Conservation Corps was able to do the
13 collection of those materials.

14 KCB also recently launched a recycling program
15 at the Ontario Airport. Now they've been doing paper for
16 a long time, and now they'll be doing beverage containers
17 as well.

18 The Department of Conservation each year has
19 city and county payments to the tune of 10.5 million that
20 go out to every city and county based on population, and
21 we also have a competitive grant program.

22 And I wanted to highlight for you, obviously as
23 this big red X indicates it's been a very successful
24 program, unfortunately that picture didn't quite make the
25 trip.

1 We have a couple, I just wanted to highlight a
2 few of those programs. One is the City of Riodell, it's
3 through our city and county payment program, received
4 \$5,000 this year, that's just the amount that was
5 legislatively mandated for them.

6 They took that \$5,000 and started a very
7 creative valet recycling program. The local elementary
8 school there now has a recycling center. It's staffed
9 and cleaned by kids at the school and by volunteers, and
10 consumers who bring their recyclables to the center get
11 coupons for merchandise or other services from
12 representatives from the town.

13 They were so excited to start this program that
14 they held a parade with Recycle Rex riding a fire truck,
15 which would have made a great picture, I wish I had
16 brought it.

17 The City of Mammoth -- or I'm sorry, Mammoth
18 Mountain, the ski resort, through a grant with the
19 Department of Conservation of about \$130,000, was able to
20 establish recycling at a number of resorts and throughout
21 the town. And since September of 2000, not even a year,
22 has already recycled over 48 tons of aluminum, glass, and
23 plastic. It's been an extremely successful program.

24 One of, the next bullet on there is apartments
25 and senior complexes. Apartments and senior complexes

1 have logistical issues with recycling, generally not
2 having enough space.

3 We've been working with them through our grant
4 programs to provide recycling opportunities there,
5 generally providing them bins, and then technical service
6 in trying to figure out how to get the materials away
7 from the building and how to store them.

8 I believe you're all familiar with our Recycle
9 Rex school assembly program. Through that we reach
10 approximately thirteen to 15,000 school age children
11 every year. And every school that we go to gets one
12 recycling bin to help them kick off any recycling efforts
13 that they might have at the school, and we then work with
14 them to try and establish a full program.

15 One great pilot example is at Natomas Park
16 Elementary School, a new school, also I believe like
17 Board Medina, very Truman show like neighborhood which I
18 live in. We were able to get the school to start a
19 recycling program because they felt it was the right
20 thing to do. They have an aluminum can vending machine
21 in their cafeteria, and the recycling bin next to that is
22 filling up practically every other day.

23 The PTA does the collection there, and they are
24 using the money from the beverage container recycling
25 program to begin a collection of non-CRV items,

1 especially paper which is one of the biggest items
2 generated at schools.

3 This was a really great picture of Recycle Rex
4 at Raley Field. One of the things that we began this
5 year was, in learning from some of the examples that the
6 Waste Board provided us from their used motor oil program
7 and sports marketing program, was trying to get out to
8 some of the sports venues.

9 And as Board Member Paparian had mentioned to us
10 last year, a lot of these stadiums are now using the
11 twenty ounce plastic bottles of water or the contoured
12 bottles of soda, plus the glass bottles of liquor and
13 beer that they're pouring usually behind, they're not
14 giving to the fans, and they're generating a lot of this
15 material, and it was not being recycled.

16 So we did a pilot program with the Sacramento
17 River Cats this year where our, the point of our
18 sponsorship was for them to do in stadium recycling. Of
19 course, they wanted to talk to us about radio, T.V.,
20 public service announcements. And we said, "That's
21 great, but we want to work with you to get recycling set
22 up in the stadium."

23 And I'm pleased to announce that effective this
24 week that the bins are there, and the recycling of
25 beverage containers, not just CRV beverage containers,

1 but all plastic, glass, and aluminum containers at the
2 stadium has begun.

3 We were also able to do a sponsorship with the
4 Cal League which is an association of the rest of the
5 minor league baseball teams in California; every one of
6 which listed up there now has recycling in the stadium.

7 For lessons learned, when I showed this to a
8 couple of people at DOR, they wanted to know why I had a
9 church on this slide, that's Royce Hall from UCLA. So
10 for our lessons learned, we learned that in sports
11 marketing you've got to pay to play.

12 We approach a number of sports team, from minor
13 league to major league teams, pretty much every sport you
14 can think of in California that has paid fans and a large
15 attendance, and they said, "Sure, we'd leave to talk to
16 you about recycling at the stadium and in the parking
17 lot, why don't you come and talk to our sponsorship team
18 and to our marketing team." They weren't interested in
19 even talking to us about recycling unless we became a
20 corporate sponsor. That made life very challenging and
21 very interesting for us.

22 Another problem that we've found is that
23 Californians don't know how much their recyclables are
24 worth. They don't realize that those are commodities.
25 It's not just waste, they are commodities, and the

1 problem is significant enough with the CRV items that
2 actually have a deposit value on them, and for non-CRV
3 items that challenge gets even greater.

4 We've found through our grant programs that seed
5 money helps. A lot of times if we can throw some money
6 at an agency or an organization they're willing to buy
7 the recycling bins with that money and then work on some
8 of the collection issues. But that really is the biggest
9 issue, which is that sustainable collection programs are
10 vital. Without those, these programs tend to die by the
11 wayside, and I think that's one of the big challenges we
12 look forward to working with the Waste Board on over the
13 next year and beyond, is how we can get more sustainable
14 collection programs out there and convince more
15 organizations and entities out there to recycle at
16 venues, not just at the house or in the office.

17 And at that point I'll go ahead and throw it
18 open to questions.

19 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
20 Dosick. Any questions?

21 Mr. Jones.

22 BOARD MEMBER JONES: Madam Chair, Mr. Dosick,
23 thanks for joining us today. I think that it's pretty
24 clear with your presentation why the Waste Board and DOC
25 have to work together, because clearly the glass,

1 bottles, and cans that DOC deals with is about three to
2 five percent of the waste, about three percent of the
3 waste stream right now, and we deal with the other 97
4 percent.

5 And I think it's, it's important to realize that
6 because, in fact, part of your presentation was that
7 people don't want to, you know, people are -- recycling
8 isn't on their mind all the time; and I'm hoping that
9 that's in the context of the DOC programs with buybacks
10 and with these kinds of venues, because our numbers are
11 showing that citizens are participating at the home, and
12 I think that that's important because it almost sends a
13 mixed message. I was getting the sense of a mixed
14 message.

15 And I just hope that we can work together with
16 DOC to fashion a message that lets people know, you know,
17 what their opportunities are and what they've already
18 succeeded.

19 MR. DOSICK: And I didn't mean to imply that
20 people aren't recycling at home, actually our figures
21 have shown that. And what we're also indicating, and
22 obviously our focus is on the beverage containers as is
23 our purview, and we've found that Californians are
24 becoming a more mobile society and when they're away from
25 their home, when they don't have the recycling bin in the

1 garage, when they don't have the recycling can next to
2 their desk, that's when the recycling isn't taking place.

3 Obviously that's more of an issue for our
4 materials that we're concerned with, but it still is a
5 problem as a whole that we feel raising the awareness
6 about recycling, getting folks to think about it, whether
7 they're in their home, in their car, at school, at work,
8 is extremely important.

9 I'd also like to emphasize that the venues where
10 we've been doing our sponsorships and promoting recycling
11 are areas where we feel that the primary material type
12 that isn't being recycled are beverage containers. For
13 instance, the stadium where so many, it wouldn't have
14 made any sense to do stadiums five years ago because
15 everything was sold in the waxy paper cups.

16 BOARD MEMBER JONES: Right.

17 MR. DOSICK: Now twenty ounce plastic soda
18 bottles and water bottles are becoming more and more
19 prevalent, and that's the impetus that we had for wanting
20 to focus on sporting venues.

21 BOARD MEMBER JONES: And that's why we have to
22 work together, because those twenty ounce plastic bottles
23 are, you know, part of what we're going to count in
24 another agenda item here pretty quick, you know, why
25 they're not being recycled to a great extent.

1 Thank you.

2 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

3 BOARD MEMBER ROBERTI: Yes, and I appreciate
4 everything the DOC is doing in this area. I just want to
5 add one thing, and that is I think the emphasis of the
6 DOC as well as our own emphasis has to be, to some
7 extent, to take advantage of public venues as far as
8 education is concerned.

9 And sometimes that does not include quantitative
10 benefits; for example, the plastic bottle versus the
11 paper container that we used to have. Because the public
12 venue offers a chance to educate the public in exactly
13 the areas that you're talking about, and that is where
14 they're not at home.

15 And it's just too great an opportunity that I
16 think we should concentrate on the educational values as
17 well as the quantitative value of getting more plastic
18 bottles or things of that nature.

19 So I just wanted to interject that this,
20 there's, to emphasize that there's two parts to this; and
21 one is education, and two is just getting the trash out
22 of the waste stream.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you,
24 Senator.

25 Mr. Paparian.

1 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

2 I agree with Board Member Jones that we need to
3 look for some opportunities to work together on some of
4 our public venue work and integrate that with the
5 Department of Conservation public venue work, I think
6 that would be, would provide some tremendous benefits.

7 One of the areas that I think we should explore
8 in the future is how to link some of the public venue
9 work to our AB 75 and SABRC programs. There are a lot of
10 state sponsored public venues where we can both do some
11 good and set a good example.

12 For example, the Cal Expo, you know, a lot of
13 people going through Cal Expo during the state fair time,
14 and at other times of the year for other activities, yet
15 when you go there and you look at the available
16 recycling, it's pretty limited.

17 In terms of sporting events, there are a lot of
18 state sponsored sporting events; CSU Fresno basketball,
19 CSU Long Beach baseball, UCLA football; and I understand
20 that we have some difficulties in applying AB 75 to the
21 University of California, we may need to use our bully
22 pulpit a little bit to get the University of California
23 involved; but certainly with the state university system
24 we do have opportunities through the AB 75 program to
25 work with the university, the state universities in their

1 sporting events to try to make them models that the
2 private entities might want to emulate.

3 And then one other area that I think we might
4 want to look at, which isn't normally thought of as a
5 public venue I don't think, but I certainly think of it
6 as a public venue, and that is the state sponsored
7 transportation systems, the California corridor trains.
8 If you ride on the train down to the Central Valley, or
9 you ride on the train from Sacramento to the Bay Area;
10 the amount of material that's produced that could be
11 recycled on those trains that is not is quite
12 substantial. And the state, through the Department of
13 Transportation, is basically subsidizing those
14 transportation systems, and I think that much more could
15 be done in working with them to assure that those
16 transportation systems are role models that the public
17 will see and utilize.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
19 Paparian, for your suggestions.

20 Mr. Dosick, thank you for being here, and we
21 appreciate it.

22 And did any Board members have questions? Did
23 you have a question of Mr. Dosick?

24 BOARD MEMBER EATON: I just have a comment. I
25 share the fellow Board members views, and also would like

1 not forget, it's really not your purview but it is ours,
2 markets, market, markets. Because we can collect all we
3 want, but if we don't have a way to get them back into
4 those facilities that actually utilize the products, then
5 it's a one, you know, one-way street.

6 But the other thing that I would just like to
7 ask of our staff when I hear, and it follows kind of
8 along, and I had written it down as Mr. Paparian was
9 speaking; when I hear public venue and I hear education
10 and I hear sports, all I think of is high school sports.
11 There's probably more individuals who attend high school
12 types of sports activities than all of the professional
13 football teams.

14 If you take what used to be Los Angeles Raiders,
15 Oakland Raiders, San Francisco 49ers, eight games, if
16 they don't get to the playoffs, times 60,000 is 480,000;
17 I've got to believe somewhere in the Los Angeles or San
18 Francisco or San Diego area on any one Friday or Saturday
19 night, there's probably at least that that attend high
20 school.

21 And so as part of our, where we can reach over
22 through some of the work that we're doing in the
23 education area and that to get into the schools, because
24 that would be primary I would think as a public venue and
25 as education in sports, because that's probably the most

1 attended activity we have in the state.

2 So if we can kind of look at that and maybe work
3 with the newly created Office of Education and some of
4 the other things, and maybe we have some teeth in that
5 part of AB 75 that we might not have had before.

6 But I gotta believe that, you know, when you get
7 eight, 10,000 individuals to a ballgame, and you multiply
8 that by how many are in an intersectional league, we're
9 really looking at an awful lot of waste that can be
10 recycled.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you.

12 BOARD MEMBER EATON: And you don't have to pay
13 to play.

14 MR. DOSICK: Madam Chair, if I may, I just
15 wanted to echo what Senator Roberti and Mr. Paparian said
16 about the collaboration. We've really, the DOC has
17 really enjoyed that the collaborative relationship that
18 the Waste Board and DOC have been exercising, both in
19 this area and in some other areas like market
20 development, and we do look forward to furthering those
21 and increasing that throughout the years to come.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you. So
23 do we. Thank you very much.

24 MR. DOSICK: Thank you.

25 BOARD CHAIR MOULTON-PATTERSON: Mr.

1 O'Shaughnessy, I think you can see that the Board
2 certainly wants to continue outreach to large venues, and
3 we appreciate your good support.

4 I did have one -- any other questions of Mr.
5 O'Shaughnessy? I did have one speaker slip and then,
6 Leslie Lukacs.

7 MS. LUKACS: Lukacs. Thank you for all your
8 hard work and dedication in recycling. I just wanted to
9 introduce myself, and I specialize in designing recycling
10 programs for public venues.

11 Some of my most recent programs are the Los
12 Angeles Convention Center that was mentioned here
13 tonight -- or today, as well as the Los Angeles Zoo and
14 the Los Angeles Music Center which includes the Amundson
15 and the Dorothy Chandler.

16 And I've also done some preliminary research on
17 public venues statewide. And I've targeted, or put
18 together about 160 statewide public venues. And when I
19 talked about public venues I mean amphitheaters, arenas,
20 convention centers, event centers, civic auditoriums,
21 fairgrounds, performing art centers, racing parks,
22 stadiums, theme parks, zoos, and, and aquariums.

23 And public venues have unique characteristics as
24 compared to businesses and other government recycling
25 programs. They tend to generate a lot of waste in a

1 short period of time. They also have various types of
2 waste that's generated because of the events that they
3 hold. And the majority of waste is generated by the
4 general public, not the administration or the staff.

5 Public venues also have strict aesthetic
6 requirements as well as strict space limitations. They
7 also have irregular waste collection schedules because
8 they tend to focus on events that move in and move out.
9 And they also tend to have a higher turnover of staff
10 because it is such an influx of when events take place.

11 And overcoming some of these barriers to public
12 venues is, these venues really need to know what markets
13 are out there. And it's very difficult for someone who
14 wants to start a recycling program in these venues to
15 even understand or know how or where to begin. And so
16 they have to plan for materials and be prepared for the
17 materials that are coming in and the materials going out.

18 For example, at the L.A. Convention Center you
19 could be hosting the L.A. Auto Show, but then all of the
20 sudden do the L.A. Home and Remodeling Show, so you have
21 two very different types of waste coming in.

22 Also, the lack of markets. Well we need to
23 create those markets. And sometimes, some facilities are
24 a little bit more difficult to target those markets. For
25 example, stadiums, they don't generate as much material,

1 they tend to generate more of the beverage containers
2 versus, you know, convention centers or zoos, they have a
3 wide range of materials that are generated.

4 And also phasing in these, phasing in these
5 recyclables. Starting with the easy recyclables first,
6 and moving on to the harder ones to target.

7 Also when you, it's hard to target materials,
8 you can think of other benefits in a recycling program;
9 also the education that was spoke about; the donation
10 possibilities. These venues tend to, you know, get a lot
11 of materials and, you know, there's a tremendous amount
12 that could be donated; as well as green waste and other,
13 and procurement policies that could be involved.

14 Also visitor education is probably, this is an
15 amazing group to target to. You probably have over one
16 hundred million people attending these venues on an
17 annual basis and you just have, I mean that is such a
18 great place to educate the general public.

19 And the L.A. Convention Center does it, we have
20 electronic boards and it says, you know, "The L.A.
21 Convention Center proudly recycles."

22 The zoo we've done a creative thing, we've
23 actually created a recycling mascot and he, his name is
24 Rascal the Recycling Raccoon, and he is a costumed
25 character that walks around the zoo and teaches about

1 conservation and recycling.

2 As well as on the panels of our waste trucks,
3 you know, it says, "The L.A. Zoo proudly recycles." So
4 you have a high visibility at these venues.

5 And how to accomplish diversion goals? I have
6 some recommendations and suggestions on increasing
7 diversion at these public venues.

8 One is creating a uniform statewide diversion
9 program so that when people attend these venues it's
10 recognizable. They can see, you know, when they attend
11 one to another that there is some type of recycling
12 program out there.

13 And create an incentive for public venues to
14 want to recycle. The convention center saved about
15 \$60,000 the first year with their recycling program, and
16 generated about 13,000 in revenue. That was \$73,000 that
17 they saved by implementing a public venue recycling
18 program.

19 And reward the environmentally conscious
20 facilities through awards or other types of programs.

21 Providing technical assistance in designing
22 efficient recycling programs. When people want to start
23 these programs, where do they go? Who do they turn to?
24 A problem that a lot of programs and information is
25 focused on business, not these distinguishing

1 characteristics of public venues.

2 Also, creating uniform marketing material for
3 public venues to use inside their marketing pamphlets.

4 And developing statewide disposal and diversion
5 databases so we have the information of who's doing
6 what. It can be shared between venues.

7 And also, develop educational tools to teach
8 public venues how to even accomplish diversion goals. So
9 some of the benefits I see if the state gets involved
10 with public venue recycling is increasing diversion and
11 recycling statewide.

12 Increasing public awareness.

13 Creating new markets for materials.

14 As well as being a model for the nation.

15 And I also have some additional information if
16 anyone wants to speak to me afterwards on a presentation
17 I did at the CRRA conference on public venue recycling,
18 as well as some of the research I've done on public venue
19 recycling, and some of the media that's out there on,
20 some of the articles that are out there on public venue
21 recycling.

22 And that's it.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you very
24 much. Mr. Eaton.

25 BOARD MEMBER EATON: I have one question. When

1 you talk about the statewide diversion program, are you
2 suggesting, in essence, like all stop signs are red, so
3 that all, let's say receptacles either are uniform in
4 color or uniform in some sort of marking if it's for
5 glass bottles or papers? That kind of uniformity
6 throughout so that once the public is educated if they
7 see red they know it's X, and if they see blue it's blue,
8 something along those lines?

9 MS. LUKACS: Something along those lines. I was
10 actually thinking of a certification or maybe like a
11 sticker or something that can be posted in windows or
12 something that once they go to the public venue they can
13 visibly see that they belong to this coalition of
14 recycling conscious, or environmentally conscious
15 facilities.

16 BOARD MEMBER EATON: Thank you.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you.
18 Senator Roberti.

19 BOARD MEMBER ROBERTI: Yeah, Madam Chair. I
20 first met Ms. Lukacs at the Los Angeles Convention Center
21 shortly after the Democratic National Convention, and I
22 just want to add she did a masterful job, she and her
23 crew, in removing the recyclables and the trash from the
24 venue absolutely swiftly. I think I was there just maybe
25 three or four days afterwards, and they had lined up all

1 their markets and all their methodology of disposing very
2 quickly.

3 Why I want to mention that is I would hope that
4 within our Board we maybe have one person, and I think
5 Mr. O'Shaughnessy's report is absolutely excellent, but I
6 would like maybe to have one person geared specifically
7 to public venues, because there are some things peculiar
8 to public venues.

9 The swiftness in which the product comes in; the
10 alternating variability of those products; and the need
11 to find markets swiftly because there's a new event going
12 to be held shortly thereafter; as well as the educational
13 possibilities of public venues.

14 So I think there is a commonality in many public
15 venues that I think we can work with and probably
16 concentrate on better if we have a specific entity within
17 our Board that just looks at public venues and works with
18 others who deal with public venue recycling and the
19 potentiality of increasing the Board's work, especially
20 in the educational area, I think is boundless.

21 So I would like to offer that as something that
22 the Board starts directing its attention toward, working
23 both internally and with others who have expertise in
24 this area, like Ms. Lukacs and others I'm sure, in this
25 very important area.

1 I don't know of any other area, especially when
2 you throw in high school sports that Mr. Eaton mentioned,
3 where we can get more educational value than working in
4 the public venues.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you. And
6 thank you, Senator Roberti. I know you're the one that
7 brought this item forward, and we appreciate it.

8 And thank you, you gave us a lot of great
9 information.

10 MS. LUKACS: Thank you.

11 BOARD CHAIR MOULTON-PATTERSON: Okay. We'll
12 move on now to item number four, consideration of
13 approval of the grants awards for the used oil recycling
14 block grant programs.

15 Good morning.

16 MR. LEE: Good morning, Madam Chair and members
17 of the Board. My name is Jim Lee, I'm a supervisor with
18 the grants and certification section with the Waste
19 Management Board.

20 Item four is consideration of the approval of
21 the grant award for the used oil recycling block grant
22 program for fiscal year 2001/2002.

23 Staff recommends conditional approval,
24 conditional awarding of \$11,452,325 to eligible
25 jurisdictions.

1 Block grants are utilized for developing and
2 maintaining convenient collection opportunities, and for
3 advertising and public education to promote used oil
4 recycling and reuse.

5 Local jurisdictions are encouraged to cooperate
6 and develop regional programs consisting of several
7 cities and/or counties to enhance program efficiencies.

8 Locals are also encouraged to develop
9 partnerships with private, non-profit, and other
10 governmental organizations to leverage their funds and
11 resources.

12 Statute specified that the greater of \$10
13 million or half of the funds remaining in the used oil
14 recycling fund be allocated for block grants, and
15 stipulated that the awards be calculated on a per capita
16 basis for each jurisdiction.

17 In addition, jurisdictions will receive funds
18 from the promotional and local assistance line items for
19 used oil filter recycling activities which results in
20 awards equaling about 31 cents per capita.

21 The notice of funding availability was
22 announced -- excuse me.

23 The notice of funding announcing the
24 availability of the seven cycle fiscal year 2001/2002
25 block grant funding was posted on the Board's website in

1 April of this year. Applications and instructions were
2 mailed out to all eligible jurisdictions.

3 As of today's date, 229 applications have been
4 received, representing approximately 97 percent of the
5 state's population.

6 At the September, 2000 Board meeting, the Board
7 approved modifications to the grant term and the award
8 process. Specifically, the Board approved awarding the
9 block grant annually for a three year term.

10 The Board also authorized funding for
11 jurisdictions that submit a late application for a given
12 grant cycle by December 1 of the subject fiscal year.

13 The Board also directed the withholding of
14 future block grant funding from grantees who do not
15 comply with the semiannual reporting requirements, and/or
16 owe the Board money from previous block grants.

17 At this time I'd like to bring to the Board's
18 attention some developments since the agenda item was
19 initially published which could bear on your
20 determinations today.

21 In attachment one, applicants with semiannual
22 reports pending staff review, the total number of reports
23 pending staff review and approval because of previously
24 identified report deficiencies or problems, that number
25 is decreased from fifteen to five.

1 In attachment two, applicants whose semiannual
2 reports have not yet been submitted, the total number of
3 reports outstanding has been reduced from four to one.

4 In attachment three, the UBG7 applicants still
5 owing money from previous block grants, I'm pleased to
6 note that both of the identified applicants have recently
7 paid their outstanding invoices to the Board.

8 In attachment four, the resolution award itself,
9 you will note some minor revisions to reflect changes in
10 some lead agency determinations, and some other editorial
11 changes.

12 In conclusion, staff recommends that grants be
13 awarded to the applicants listed in Resolution number
14 2001-222, attachment four, in the amount of \$11,452,325,
15 conditioned on the following:

16 Submission of a complete application by December
17 1, 2001.

18 Approval of all previously submitted semiannual
19 reports by a date to be specified by the Board.

20 Submission and staff approval of all past due
21 semiannual reports by a date to be specified by the
22 Board.

23 With regards to this issue of the date to be
24 specified by the Board, staff would recommend your
25 consideration of a December 1st date. There are some

1 precedents for the December 1st date since the Board
2 established this date at the September, 2000 Board
3 meeting for the submission of late applications.

4 That concludes my presentation. Are there any
5 follow-up questions?

6 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any
7 questions.

8 Mr. Eaton.

9 BOARD MEMBER EATON: Have the jurisdictions that
10 are late been notified already?

11 MR. LEE: Yes, they have.

12 BOARD MEMBER EATON: So if we were to give them
13 another date certain, would we also be notifying them of
14 the date certain so they would have gotten two notices
15 then, or at least been aware of the fact that they're
16 late?

17 MR. LEE: That definitely would be the case. My
18 staff have been in close contact with these jurisdictions
19 and I'm confident that, you know, if you adopt staff's
20 recommendation today, we will be successful in getting in
21 the late reports and seeing they're properly reviewed.

22 BOARD MEMBER EATON: And in this cycle of
23 grants, does it represent the new census figures for the
24 per capita basis distribution?

25 MR. LEE: Yes. The new, well it's new as of, I

1 think, May of 2000 --

2 BOARD MEMBER EATON: Right.

3 MR. LEE: -- which are the latest ones --

4 BOARD MEMBER EATON: Right.

5 MR. LEE: -- that are available when the grant
6 item was put together.

7 BOARD MEMBER EATON: And then next year as the
8 other information becomes available or whatever --

9 MR. LEE: That's correct, it's updated annually.

10 BOARD MEMBER EATON: Thank you.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
12 Eaton.

13 Any other questions?

14 BOARD MEMBER PAPARIAN: Madam Chair, I'll move
15 the item. Now as I understand it, in the resolution we
16 have there were four blanks or three blanks to fill in,
17 but the last one is now irrelevant?

18 MR. LEE: I think the last one is moot.

19 BOARD MEMBER PAPARIAN: So I'd like to move
20 resolution 2001-222 Revised, with the dates in the
21 resolved being December 1st, 2001 for point number two in
22 the resolveds, which is, "Receives approval of its
23 previously submitted semiannual report by December 1st,
24 2001."

25 MR. LEE: Yes, sir.

1 BOARD MEMBER PAPARIAN: And then three would be,
2 "Submits and receives approval of its past due semiannual
3 report by December 1st, 2001."

4 MR. LEE: Yes.

5 BOARD MEMBER PAPARIAN: And the fourth item
6 there listed in the resolve would be stricken because
7 it's now irrelevant.

8 MR. LEE: Yes.

9 BOARD MEMBER PAPARIAN: So with those
10 modifications I move Resolution 2001-222.

11 BOARD MEMBER MEDINA: I'd like to second the
12 resolution, Madam Chair.

13 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a
14 motion by Mr. Paparian to approve resolution 2001-222
15 revised, seconded by Mr. Medina.

16 Please call the roll.

17 BOARD SECRETARY VILLA: Eaton?

18 BOARD MEMBER EATON: Aye.

19 BOARD SECRETARY VILLA: Jones?

20 BOARD MEMBER JONES: Aye.

21 BOARD SECRETARY VILLA: Medina?

22 BOARD MEMBER MEDINA: Aye.

23 BOARD SECRETARY VILLA: Paparian?

24 BOARD MEMBER PAPARIAN: Aye.

25 BOARD SECRETARY VILLA: Roberti?

1 BOARD MEMBER ROBERTI: Aye.

2 BOARD SECRETARY VILLA: Moulton-Patterson?

3 BOARD CHAIR MOULTON-PATTERSON: Aye. Motion
4 approved. Thank you very much.

5 INTERIM EXECUTIVE DIRECTOR LEARY: Madam Chair,
6 if I might. As is the Board custom, I must embarrass --
7 I mean recognize Mr. Lee in his inaugural presentation
8 before the Board, I think he did a pretty good job.

9 BOARD CHAIR MOULTON-PATTERSON: He did. Thank
10 you very much.

11 Okay, number five, Ms. Gildart.

12 MS. GILDART: I think I can still say good
13 morning, Chair and Members.

14 BOARD CHAIR MOULTON-PATTERSON: Yes.

15 MS. GILDART: Item five is consideration of
16 approval of proposed applicant and project eligibility,
17 scoring criteria and evaluation process for fiscal year
18 2001/2002 for both the waste tire playground cover grant
19 program and the waste tire track and other recreational
20 surface grant program.

21 While we have given four grant awards for these
22 types of products in the past, this will be the first
23 time we are offering it as two separate grants.

24 As the track surfacing grant has become more
25 popular, we find it difficult to rate and rank them in

1 comparison with playground mats, so we are just
2 separating them into two separate grant offerings.

3 They will be governed by the same criteria,
4 applicant eligibility, and the review process, but you
5 will notice that this item has two resolutions to
6 authorize each of those two grants.

7 You may remember that this has been a very
8 popular grant program in the past. In fact, the Board
9 has had to augment some of the funding to fully fund all
10 passing applicants.

11 This year we are asking, well the Board had
12 allocated in the five year plan \$800,000 for the
13 playground grant, and a million dollars for the
14 recreational surfacing grant.

15 If you will also remember, we have other
16 playground programs, just so you don't confuse them; the
17 park playground was for the accessibility using recycled
18 equipment, and the school playgrounds was for safety also
19 using recycled equipment. This one is from the tire fund
20 and is for tire recycled products.

21 The grants for the playground cover will be
22 25,000, up to 25,000 per grant, while the track will be
23 up to 100,000 per grant. They are usually much larger
24 recreational surfaces requiring more product.

25 There is a equal match requirement, 50/50. So

1 if a recipient receives 25,000 from the Board, they have
2 to provide 25,000 in funds, product, or in-kind services.

3 The eligible applicants are public entities who
4 operate playgrounds open to the general public; and these
5 include cities, counties, state-owned recreational
6 facilities, colleges, universities, school districts,
7 park districts, federally recognized California Indian
8 tribes, and special districts. And the playground or
9 recreational area must be open to the general public.

10 Any applicant receiving a grant from the Board
11 must use California tires, that is something we can
12 require. They are to put up signs designating that they
13 have been recipient of the Board's grants. And they must
14 demonstrate the ability to provide the appropriate match.

15 In some instances an applicant may be eligible
16 for extreme financial hardship consideration. If they
17 are operating a playground within a zip code area which
18 is calculated to be less than 64 percent of the median
19 state income, and this is calculated by the Department of
20 Finance, we can reduce their match to half of our award.
21 So if we were to give them a \$20,000 grant, they would
22 only have to come up with a \$10,000 match.

23 We require that the applicant must comply with
24 the principles of environmental justice. And they can
25 use these funds for placing surface material underneath

1 and around playground equipment. Or for the recreational
2 surfacing grant, they can do track, soccer fields,
3 baseball fields, other fields, wrestling equipment,
4 tennis courts, and yes, swimming pool decks and changing
5 room mats.

6 There are six general review criteria that the
7 Board adopted in 1996, we will be using those, including
8 the evidence of a buy recycled policy. And there are
9 four program specific criteria.

10 One is that they will receive up to five points
11 for having a recycling program in place where they
12 provide ability for playground users or facility users to
13 recycle, so that they don't have to do it just in their
14 homes or in their offices, but it will be here too at the
15 playground.

16 Anyone who has received one of our playground or
17 recreational surfacing grants in the last two years will
18 not get an additional five points, we're trying to spread
19 these further around. So if they have not received a
20 grant in the last two years, they will receive five
21 points on the score.

22 And this is, the third criteria is included in
23 the statute, and that is that anyone who receives a grant
24 from the Board to recycle tires must show the cost per
25 tire. And we've explained how they can calculate it and

1 what points they receive based on that point, that cost
2 spread.

3 And then they also receive points based on
4 economic need, with the fewest points for those who are
5 lowest -- no, the most points for those were lowest on
6 the scale.

7 And the only other real consideration is the
8 geographic split where we are once again using Department
9 of Finance numbers for the population distribution in
10 California. And we will try to ensure that 61 percent of
11 the funding goes to projects that are considered in
12 Southern California, which is defined as the counties
13 south of San Luis Obispo, Kern, and San Bernardino, and
14 Northern California counties would receive up to 39
15 percent of the funds.

16 So in conclusion, staff requests that the Board
17 approve the criteria, and adopt the two resolutions,
18 2001-220 and 2001-221.

19 And I can answer any questions.

20 BOARD CHAIR MOULTON-PATTERSON: Any questions?
21 Mr. Paparian.

22 BOARD MEMBER PAPARIAN: Madam chair, I
23 understand that there's a issue involving how we define
24 tribes that would be eligible for the grants, and I
25 wonder if our counsel could help explain that for us?

1 CHIEF LEGAL COUNSEL TOBIAS: I'd be happy to
2 explain it, and I do have Linda Williams here who is our
3 specialist in the legal office on tribal issues.

4 We might want to start with Martha explaining
5 the need to have some kind of criteria if you want to,
6 and then we can provide our input.

7 MS. GILDART: This is an evolving issue. Last
8 year, no, it was actually two fiscal years ago, we
9 awarded the first grant that the Board had issued to a
10 California tribal organization for one of our waste tire
11 cleanup grants. Since then there has been more outreach
12 trying to bring in some of the tribal organizations.

13 One, I think two of our earlier playground
14 grants included the phrase "Federally recognized
15 California Indian tribe." It is a list of, I think, of
16 106 entities that are defined as tribes. And because
17 these grants are in other applicants aimed at local
18 governments, our thought was that was the closest
19 definition to a local government or a governmental
20 organization.

21 Now we do understand there are other ways of
22 listing and identifying entities as tribes. We were
23 mainly going on the precedent set in the earlier grant
24 program.

25 If we want to expand beyond the federally

1 recognized California Indian tribe, our thought was that
2 perhaps the Board should take a look at that as a whole
3 and determine, for its many grant programs, if there is a
4 broader definition that would suit, but then not place
5 staff in the position of having to determine or verify a
6 claim of being a tribe, a tribal organization.

7 So at this point we are willing to go, I mean,
8 whatever way the Board directs, it just seemed we had a
9 precedent and clarity by using that list.

10 CHIEF LEGAL COUNSEL TOBIAS: From the legal
11 office's point of view I don't think we disagree with
12 anything that Ms. Gildart has put out. I think our
13 concern is that, whether this is the right criterion or
14 not to use in the situation.

15 I think she's right in that what this does call
16 for is basically a case by case analysis every time we go
17 through one of these programs to try to see who should be
18 eligible, and it does take a lot of staff time to do
19 that. It leaves things in kind of an open situation.

20 On the other hand, I think that it's important
21 to realize that it probably excludes approximately 77 of
22 the approximately 186 Indian tribes that are generally
23 recognized in some way in California.

24 And the legal office is suggesting that we
25 basically just continue to do this on a program by

1 program basis as it comes in, until such time as we can
2 find a way to set this out ahead of time.

3 We would generally agree that it would be
4 preferable to find something we could do that would be
5 across the board and would be something that would be
6 consistent, but I'm not sure we're there yet.

7 And I do, Linda can go into some of the other
8 criterion if you want, but generally we would suggest a
9 program by program analysis.

10 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina, did
11 you --

12 BOARD MEMBER MEDINA: Yes, Madam Chair. I just
13 wanted to say that, you know, I support Legal Counsel's
14 advice in regard to this matter.

15 I also wanted to thank staff for following
16 through and adding the criteria of economic need and
17 assigning that those points.

18 Playgrounds in low income neighborhoods are
19 either non-existent, poorly maintained, and sorely in
20 need of any resources that they can get. And I think
21 this is an excellent program.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you
23 very much. We have two resolutions. Do I hear a motion?
24 Mr. Medina?

25 BOARD MEMBER MEDINA: Madam Chair, I would like

1 to move resolution 2001-220, approval of proposed
2 applicant and project eligibility scoring criteria and
3 evaluation process for fiscal year 2001/2002 for the
4 waste tire playground cover grant program.

5 BOARD MEMBER JONES: I'll second.

6 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a
7 motion to approve 2001-220 Revised by Mr. Medina,
8 seconded by Mr. Jones.

9 Please call the roll.

10 BOARD SECRETARY VILLA: Eaton?

11 BOARD MEMBER EATON: Aye.

12 BOARD SECRETARY VILLA: Jones?

13 BOARD MEMBER JONES: Aye.

14 BOARD SECRETARY VILLA: Medina?

15 BOARD MEMBER MEDINA: Aye. In regard to the
16 given resolution, the, in regard to the federally
17 recognized tribes, do we have to change this?

18 CHIEF LEGAL COUNSEL TOBIAS: You would have to
19 change it because right now staff's recommendation is to
20 use the criterion of the federally recognized tribes. If
21 you want to change it you would need to say it would done
22 on a program by program, case by case basis.

23 BOARD MEMBER MEDINA: Let me add that in there,
24 on a case by case basis.

25 BOARD CHAIR MOULTON-PATTERSON: Okay. And then

1 you have an aye vote on that?

2 BOARD MEMBER PAPARIAN: You may want to redo the
3 vote.

4 BOARD MEMBER EATON: Well we're already into the
5 vote so we need to either just rescind the motion and
6 start all over again just from a procedural standpoint.
7 I don't have a problem, but I think properly we have to
8 rescind the vote.

9 And if that's the case I have a question then.
10 If you're awarded on a per capita basis, do each of the
11 tribes get \$5,000, because very few of them have over the
12 population necessary on a per capita basis, so that's
13 what I need to find out.

14 MS. GILDART: I believe that 5,000 is for the
15 used oil.

16 BOARD MEMBER EATON: Well it's, what we have in
17 this particular program.

18 MS. GILDART: It's not a per capita based award.

19 BOARD MEMBER EATON: Sure it is.

20 MS. GILDART: The points but not the dollars.

21 BOARD MEMBER EATON: Yeah.

22 MS. GILDART: Oh, are you saying an economic
23 need, the criterion for economic need? I'm sorry, I
24 don't --

25 BOARD MEMBER EATON: One of 'em has --

1 MS. GILDART: Under the economic need we were
2 going to --

3 BOARD MEMBER EATON: It said economic need, but
4 I'm just trying to find out what we have to do, is that,
5 how is that going to be awarded then?

6 MS. GILDART: If you're asking about the
7 economic need criterion in the program specific review
8 criteria, the idea was that additional points would be
9 given for those who meet a definition of low income, and
10 then if they fall below the 64 percent definition they
11 also can qualify for a reduced match requirement.

12 So the listing on page 5-7 shows where the
13 points would be assigned. If they were in the 70 to 75
14 percent range of median household income, then they would
15 have a five point score.

16 If they're in the 64 to 69.999, you know, 70
17 percent, they would get seven points.

18 And if they fell below that 64 they would
19 qualify for ten points as well as the reduced match. And
20 that's the only time there's a dollar figure associated
21 with points.

22 CHIEF LEGAL COUNSEL TOBIAS: Madam Chair, is the
23 question about the tribes? I wasn't clear on what's your
24 question.

25 BOARD MEMBER EATON: Well go ahead.

1 Procedurally we have to go back --

2 BOARD CHAIR MOULTON-PATTERSON: Yeah, we'll go
3 back. Did you get it answered, Mr. Eaton?

4 BOARD MEMBER EATON: No, I'll take it up another
5 time on another program. Let's just start the motion all
6 over again.

7 MS. GILDART: The resolution is silent to the
8 listing of eligible applicants, that's in the actual
9 item. So by passing the resolution, if the Board's wish
10 has been to change the recommendation of the item, then
11 do we need a separate vote?

12 CHIEF LEGAL COUNSEL TOBIAS: Well I think the
13 Board needs to make clear since, because it's my
14 understanding, and correct me if I'm wrong, is that staff
15 had recommended the use of the criterion of federally
16 recognized tribes, we're suggesting a case by case basis.
17 And I think since there's a question maybe the Board
18 should --

19 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.
20 Tobias. Mr. Medina has requested that the motion be
21 withdrawn.

22 We're going to, we were going to take our lunch
23 break anyway, so maybe we can work this out over lunch.
24 He's asked that it be taken up after lunch.

25 BOARD MEMBER EATON: He can just make the motion

1 and add his, what he's talking about with a case by case
2 if you want to just get with it before lunch. We're
3 halfway into a vote.

4 BOARD CHAIR MOULTON-PATTERSON: Okay. So you're
5 withdrawing your previous motion and you want to make a
6 new one?

7 BOARD MEMBER MEDINA: Yes, make a new motion.

8 BOARD CHAIR MOULTON-PATTERSON: Okay. So we
9 have a new motion by Mr. Medina, seconded by Mr. Jones
10 with the change to approve Resolution 2001-220 Revised.

11 Please call the roll.

12 BOARD SECRETARY VILLA: Eaton?

13 BOARD MEMBER EATON: Aye.

14 BOARD SECRETARY VILLA: Jones?

15 BOARD MEMBER JONES: Aye.

16 BOARD SECRETARY VILLA: Medina?

17 BOARD MEMBER MEDINA: Aye.

18 BOARD SECRETARY VILLA: Paparian?

19 BOARD MEMBER PAPARIAN: Aye.

20 BOARD SECRETARY VILLA: Roberti?

21 BOARD MEMBER ROBERTI: Aye.

22 BOARD SECRETARY VILLA: Moulton-Patterson?

23 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay. And
24 the next resolution, Mr. Medina?

25 BOARD MEMBER MEDINA: Madam Chair, I'd like to

1 move Resolution 2001-221, consideration of approval of
2 proposed applicant and project eligibility scoring
3 criteria and evaluation process for fiscal year 2001/2002
4 for the waste tire track and other recreational surfacing
5 grant program.

6 BOARD MEMBER JONES: I'll second.

7 BOARD CHAIR MOULTON-PATTERSON: Okay. Motion to
8 approve Resolution 2001-221 by Mr. Medina, seconded by
9 Mr. Jones. Can we substitute the previous roll? Is this
10 one we can?

11 Okay. We'll substitute the previous roll call.

12 We will take our lunch break now. Board
13 members, is 1:45 okay for closed session, and then we'll
14 be back in here by 2:00 o'clock.

15 Thank you very much.

16 (Thereupon the luncheon recess was taken.)

17

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25

1 AFTERNOON SESSION

2 --oOo--

3 (Thereupon closed session was held.)

4 --oOo--

5 BOARD CHAIR MOULTON-PATTERSON: I'd like to call
6 the meeting back to order, please.

7 We'll start with ex-partes. Mr. Eaton.

8 BOARD MEMBER EATON: No, just some local
9 residents of Long Beach saying hello.

10 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

11 BOARD MEMBER JONES: Let's see, Mr. Rick Daniels
12 and Denise Delmatier and Mark Murray are the only ones.

13 BOARD CHAIR MOULTON-PATTERSON: I had none.
14 Mr. Medina.

15 BOARD MEMBER MEDINA: Murray Quance, President
16 of BAS Recycling Company, Inc.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
18 you.

19 Mr. Paparian.

20 BOARD MEMBER MEDINA: None.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you.
22 Okay, we're on item seven. And Ms. Wohl?

23 MS. WOHL: Good afternoon.

24 BOARD CHAIR MOULTON-PATTERSON: Oh, there you
25 are. Good morning -- afternoon.

1 MR. HART: Good afternoon, Madam Chair, Board
2 members. My name is Jerry Hart, I work in the Buy
3 Recycled section --

4 BOARD MEMBER PAPARIAN: Madam Chair, maybe I can
5 break into -- I might be able to help move this along.

6 I asked to have this one pulled off of consent,
7 it was on consent and so normally would not have had a
8 presentation, so I'd be happy to announce the change I
9 seek in the resolution.

10 BOARD CHAIR MOULTON-PATTERSON: That would be
11 great, because I do want to remind us all that we do have
12 to be out of here by 4:30 today because they have a city
13 council meeting, so in the interest of speed if you'd do
14 that, please. I'm sure Mr. Hart doesn't mind.

15 BOARD MEMBER PAPARIAN: The simple change that
16 I'm seeking in the resolution is in the last, very last
17 clause in the resolved where it has, "750,000 contingent
18 upon future funding availability."

19 I wanted to change that to read, "Contingent
20 upon future Board action." And that's so that's there no
21 presumption that if we have any funding available that it
22 would automatically go in case of, you know, in case we
23 have some funding problem in the future.

24 BOARD CHAIR MOULTON-PATTERSON: Sure, that
25 sounds like a good point.

1 BOARD MEMBER PAPARIAN: So what I would like to
2 do then is move Resolution 2001-252 Revised, again with
3 the last part of the resolved clause reading, "Contingent
4 upon future Board action."

5 BOARD CHAIR MOULTON-PATTERSON: I'll second
6 that.

7 So we have a motion by Mr. Paparian to approve
8 Resolution 2001-252 Revised with the change. Seconded by
9 Moulton-Patterson.

10 Please call the roll.

11 BOARD SECRETARY VILLA: Eaton?

12 BOARD MEMBER EATON: Aye.

13 BOARD SECRETARY VILLA: Jones?

14 BOARD MEMBER JONES: Aye.

15 BOARD SECRETARY VILLA: Medina?

16 BOARD MEMBER MEDINA: Aye.

17 BOARD SECRETARY VILLA: Paparian?

18 BOARD MEMBER PAPARIAN: Aye.

19 BOARD SECRETARY VILLA: Roberti?

20 (Not present.)

21 BOARD SECRETARY VILLA: Moulton-Patterson?

22 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay, we
23 have number eight. Consideration of adoption of
24 emergency regulations to base RPPC compliance
25 determinations under Public Resources Code Sections

1 42310(b), and we'll leave it at that. Thanks.

2 MR. NUFFER: Good afternoon, Madam Chair and
3 Board members. Can my items be that short? I'll be
4 brief because I know the discussion won't be.

5 At the last Board meeting you agreed in
6 principle to using last year's recycling rate for current
7 year compliance purposes. This would give the regulated
8 community more timely notice as to whether they can use
9 the recycling rate as a compliance option.

10 You directed us to prepare emergency regulations
11 to accomplish this. We've done that. And now we ask for
12 your approval to submit the regulations to the Office of
13 Administrative Law for their approval.

14 With that, I'll conclude my presentation and ask
15 for questions.

16 BOARD CHAIR MOULTON-PATTERSON: Questions? I
17 don't see any. Ms. Villa, do we have speaker slips on
18 this one?

19 BOARD SECRETARY VILLA: Yes, we do.

20 BOARD CHAIR MOULTON-PATTERSON: Thank you.
21 Okay. Denise Delmatier. We are going to go to our
22 speakers.

23 MS. DELMATIER: Madam Chair, if I could defer to
24 Mr. Mark Murray before me?

25 BOARD CHAIR MOULTON-PATTERSON: Okay. That

1 would be fine. Mr. Mark Murray, Californians Against
2 Waste. Welcome.

3 MR. MURRAY: Madam Chair, members, Mark Murray
4 with Californians Against Waste.

5 And conceptually we don't have any objection to
6 this as a process, however, as I'm, we'll probably get
7 into on the next item, in terms of, we think that there
8 are significant questions with regard to the recycling
9 rate itself, thus that I think it would be premature to
10 make a decision at this particular moment that the rate
11 should be, the rate for 2000 should be used for 2001.

12 So I'm not sure if there's a way to
13 conceptually, as you actually did at the last Board
14 meeting, conceptually approve the idea of looking
15 prospectively at the rate, because I think that does have
16 value; but in this specific instance of this specific
17 rate, I don't think that the Board is ready to say that
18 this, we have enough confidence in this rated to use it
19 for 2000, let alone 2001.

20 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
21 Murray.

22 Shawn Edgar.

23 MR. EDGAR: Good afternoon, Madam Chair and
24 Board members. Sean Edgar on behalf of California Refuse
25 Removal Council, operators of 100 material recovery

1 facilities, transfer stations; and 300 recycling centers
2 in the State of California.

3 I appreciate the opportunity to speak with you,
4 and I'd like to enter the letter you've just received
5 from CRRC as part of the official record.

6 In our letter we notice several different items
7 in, there and I'd like to try to tie these in a little
8 bit to item number three as was discussed earlier by Mr.
9 Dosick from the Department of Conservation.

10 Public venue recycling, well there was a lot of
11 great effort put into understanding what the parameters
12 of public venue recycling, ultimately where does this
13 material go? We can provide all the containers and all
14 the locations and make the collection, make the deposit
15 aspect perhaps convenient for the public, eventually they
16 all go to our facilities. When I say our facilities,
17 they go to public facilities and private facilities.

18 So there are two elements of Mr. Dosick's
19 presentation that I wanted to zero in on.

20 One, that recyclables are commodities.

21 And number two, that sustainable collection
22 programs are vital.

23 With the ultimate suggestion to the Board today
24 that we oppose option number one, which is to establish a
25 range.

1 And we support an option two which would be
2 direction from Board staff to maintain a minimum of 25
3 percent recycled content.

4 With regard to our key element that recyclables
5 are commodities. As Mr. Dosick pointed out, we have a
6 variety of different commodities out there. For three
7 percent of the waste stream, which bottoms and cans and
8 item covered in the CRV program represent, we find that
9 there is a substantial and tremendous amount of
10 investment in facilities and infrastructure to achieve
11 recovery of this three percent; the sorting that is
12 required, the investment in facilities and sorting lines,
13 and tremendous special handling that is required, both
14 on the collection side and the processing side for what
15 is relatively a small percentage of the waste stream.

16 If we look at that waste stream, and we see that
17 there are a variety of commodities in there. There's the
18 aluminum commodity which has a scrap value, and it also
19 has a redemption value.

20 We have glass. We have paper. And all of those
21 items have an established minimum content.

22 The Sacramento Bee that I happen to pick up
23 every day, if you'll read inside page two, I believe it
24 is, discusses what the minimum recycled content of that
25 particular paper is.

1 It seems that every other industry out there
2 producing these commodities is able to step forward and
3 comply with a minimum content, or voluntarily adopt a
4 minimum content; however, the plastics industry has been
5 unable to do that.

6 What we see is we see that the product
7 stewardship, especially with Mr. Paparian's effort in
8 that regard, to talk about product stewardship as we
9 highlight in our letter to you in the fourth paragraph,
10 we indicate that the adoption of such a large range with
11 regard to minimum content would reward the plastic
12 industry and punish the recycling efforts of local
13 governments and recyclers by eliminating any incentive
14 for industry has for creating markets for non-beverage
15 container, plastic resin types.

16 We know that markets markets markets are the
17 key, Mr. Eaton, we are in agreement with that. As we
18 mentioned, aluminum is fairly stable, aluminum has a
19 scrap value and a redemption value.

20 Glass, 25 percent minimum content on cullet
21 items.

22 Old newsprint, 35 percent.

23 Why can't plastics do it? Well the reason
24 plastics can't do it is because they're spending millions
25 of dollars on T.V. ads of hospital emergency rooms

1 showing you and the public how wonderful it is that
2 plastics are saving lives. However, plastics are
3 currently choking up the system that we have operating
4 for solid waste collection and recycling.

5 We find that the second finding of Mr. Dosick
6 that sustainable collection programs are vital, we
7 absolutely agree with that. However, how do we pay for
8 all this?

9 Well we pay for the collection and processing of
10 recyclables, once again, through scrap value and CRV
11 value.

12 Other manufacturers have come forward. The
13 plastics industry cannot.

14 So with, we'd also like to draw your attention
15 to page two of our letter, the back page of our letter
16 discusses that CRRC strongly opposes the adoption of the
17 new recycling range for plastics.

18 Currently the cleanup and disposal of plastic
19 waste in California cause local agencies and ratepayers
20 an estimated 340 to \$500 million a year.

21 Local curbside programs and other recycling
22 efforts all over California are losing money on plastics
23 recycling.

24 We believe that now is the time for the plastic
25 recycling industry to step forward, as other industries

1 have.

2 We do not believe that a reduction in any way,
3 shape, or form of the minimum content requirement is
4 appropriate, and we recommend your support of, your
5 opposition to option number one as proposed by staff; and
6 adoption of a hard and fast 25 percent rule, at a
7 minimum.

8 Just as AB 939 held local governments and
9 recycling partners to a standard, we believe that the
10 feet should be kept to the fire with regard to the
11 plastics industry.

12 Thank you for your time.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
14 Edgar.

15 Ms. Delmatier, did you wish to speak at this
16 time?

17 MS. DELMATIER: Yes, Madam Chair, members of the
18 Board. Denise Delmatier with NorCal Waste Systems.

19 I just want to echo Mr. Murray's comments in
20 that on this item we think it's premature to adopt a
21 resolution prior to discussion on the recycling rate
22 itself, and so we will reserve comments for the next
23 item.

24 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you
25 very much.

1 Mr. Jones, did you -- that's it with our
2 speakers.

3 BOARD MEMBER JONES: Okay. Madam Chair, we are
4 talking about the proposed emergency regulations, right?

5 BOARD CHAIR MOULTON-PATTERSON: Yes.

6 BOARD MEMBER JONES: I mean I keep hearing them
7 talking about the rate, because I don't think that the,
8 that -- I have no problem with the emergency regs, and I
9 don't think it does anything to screw up the rate, so I'm
10 going to move adoption of Resolution 2001-248, that is
11 the consideration of the adoption of emergency
12 regulations to base rigid plastic packaging container
13 compliance determinations under Public Resources Code
14 Section 42310(b) and (c) on the previous years actual
15 recycling rate.

16 BOARD CHAIR MOULTON-PATTERSON: I'd second that.
17 So we have a motion by Mr. Jones, seconded by
18 Moulton-Patterson to approve resolution 2001-248.

19 Please call the roll.

20 BOARD SECRETARY VILLA: Eaton?

21 BOARD MEMBER EATON: Aye.

22 BOARD SECRETARY VILLA: Jones?

23 BOARD MEMBER JONES: Aye.

24 BOARD SECRETARY VILLA: Medina?

25 BOARD MEMBER MEDINA: Aye.

1 BOARD SECRETARY VILLA: Paparian?

2 BOARD MEMBER PAPARIAN: Aye.

3 BOARD SECRETARY VILLA: Roberti?

4 BOARD MEMBER ROBERTI: Aye.

5 BOARD SECRETARY VILLA: Moulton-Patterson?

6 BOARD CHAIR MOULTON-PATTERSON: Aye. Thank
7 you. Number nine.

8 BOARD MEMBER JONES: This is the one we're
9 talking about the rate, right?

10 BOARD CHAIR MOULTON-PATTERSON: Yes, that's my
11 understanding.

12 BOARD MEMBER JONES: I'm just trying to make
13 sure, I'm starting to get confused.

14 MR. NUFFER: This is the presentation of the
15 recycling rates for the RPPC recycling rates for 2000,
16 both the all container recycling rate which is the
17 overall rate for all of RPPCs, and the polyethylene or P
18 PET recycling rate. And the rates include all RPPCs,
19 both the RPPCs that are exempt, and those that are also
20 non-exempt. We make no distinction, we include all RPPCs
21 in our calculation.

22 If the all container rate -- and I want to focus
23 on that for a minute.

24 If the all container rate is 25 percent or more,
25 companies may use that, regulated manufacturers may use

1 that as a compliance option.

2 If the all container rate is less than 25
3 percent, companies must do something else to comply with
4 the law; for example, using post consumer resin in their
5 containers, or using less resin in their containers.

6 As you know, as a result of the rate being below
7 25 percent for '97, '98, and '99, we're currently
8 involved in a certification of a thousand companies, and
9 we're coming forward each month now with 20 to 25
10 compliance agreements for companies that were out of
11 compliance in one of those years.

12 And we're beginning to schedule public hearings
13 for companies that were out of compliance and chose not
14 to enter into a compliance agreement.

15 You'll be hearing the results of those public
16 hearings before an ALJ beginning in October, and you'll
17 have the opportunity to hear the judgments that are
18 proposed, and you'll have an opportunity to adopt or
19 modify those judgments.

20 For 2000, our best estimate of the recycling
21 rate, the all container recycling rate is 23.8 percent,
22 within a range between 22.7 and 25.1 percent. We always
23 present a range around the best estimate to reflect that
24 there's error inherent in our sampling.

25 In order to determine how many tons of RPPCs are

1 disposed during the year, we take the sample of waste
2 sorts at a sample of landfills, and that's where we get
3 the sampling. And we carry that through the range.

4 We're recommending option two which is to adopt
5 the rate as presented but not to do certifications for
6 2000 or 2001 when the emergency regs are finalized.

7 And that's because we can't rule out the
8 possibility that the actual rate is 25 percent or more,
9 although the probability of the rate being 25 percent or
10 more is very small.

11 However, you have some flexibility to adopt a
12 single rate if that's what you choose to do. I know
13 you've all gotten a letter from CAW and other interested
14 parties regarding our calculation. I feel very
15 comfortable that the calculation was accurate and the
16 data we used was reliable.

17 We used the methodology that the Board adopted a
18 while back that stakeholders and Cascadia, Inc.
19 Consulting and staff spent several years developing. And
20 I want to give you a couple examples.

21 With all due respect to CAW, I think there's a
22 misunderstanding of our methodology and also some of the
23 data. And I'll give you an example. CAW believes that
24 we undercounted the disposal of RPPCs when they looked at
25 the report from the Board's solid waste characterization

1 study back in 1999.

2 When that study has tons of disposal for various
3 resin categories, and it has categories for HDPE and PET
4 and miscellaneous containers, and subcategories of
5 non-RPPCs; well CAW didn't subtract those non-RPPCs
6 whereas we did when we calculated the rate.

7 So we received a lot of this information over
8 the past day or so. We haven't had a chance to talk with
9 them about their methodologies or their understanding of
10 our calculation.

11 So anyway, with that I'll conclude my
12 presentation and answer questions.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any
14 questions before we hear the speakers?

15 BOARD MEMBER EATON: I just have one technical
16 question. We've used the range before, is that correct?

17 MR. NUFFER: Yes.

18 BOARD MEMBER EATON: And those years that we've
19 used that we've been consistent in the range. For
20 instance, if the range was at five, the range was 1.3
21 which would have raised it to 6.3. Also, as you went the
22 other way, it would have been 3.7, right, 1.3 being the
23 range. How come this year we used different ranges for
24 above and below?

25 MR. NUFFER: I believe it's the same.

1 BOARD MEMBER EATON: No, it's not, not at least
2 according to my records. You have, unless my math is
3 wrong, 23.8, and the range is 22.7, that's 1.1. If you
4 go to 25.1 from 23.8, that's 1.3. Is that --

5 MR. NUFFER: What the difference may be is that
6 we --

7 BOARD MEMBER EATON: I'm just trying to find out
8 strictly methodology, is there something --

9 MR. NUFFER: No, it's not always going to be the
10 same.

11 BOARD MEMBER EATON: And the reason why?

12 MR. NUFFER: And the reason is that when we went
13 through waste sorts, we calculated a certain number of
14 tons plus or minus five percent. We carry those tons, we
15 have say a thousand tons and then 1,500 tons. We carry
16 that 1,600 tons forward to do the calculation of the
17 rate, so the rate may not always be exactly five percent
18 as that five percent is in tons.

19 BOARD MEMBER EATON: So there's no statistical
20 inconsistency by not using the same range above and below
21 what the rate is determined to be?

22 MR. NUFFER: No.

23 MS. WOHL: Can I interject?

24 BOARD CHAIR MOULTON-PATTERSON: Yes.

25 MS. WOHL: This is Patty Wohl, Waste Prevention

1 and Market Development. What I think is happening is
2 it's a standard deviation and it's a 90 percent
3 confidence rate, and that's sort of what's driving those
4 numbers. It's not so much that we take the average and
5 it's equidistant from both ends of the spectrum, but it's
6 sort of that standard deviation and the confidence rate
7 that drives those numbers and what is the best rate.

8 So that may be, and it may just have happened
9 that it was pretty much in the center of those ranges.

10 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

11 BOARD MEMBER JONES: Now I'm confused. If
12 you've got, if you're 22.7 and you're saying that you
13 really think the rate is 23.8 but you're going to go plus
14 or minus; I mean if you do the math it would seem to me
15 that that top end number would be closer to 24.9 as
16 opposed to 25.1. I mean --

17 MR. NUFFER: What we're doing though is carrying
18 forward the actual tonnages through the calculation.

19 BOARD MEMBER JONES: All right, let me ask you a
20 question, John, on the tonnages.

21 Did you base, in the waste characterization did
22 you base the tonnages on what these plastics weigh, not
23 in relationship to -- I mean if you look at the waste
24 characterization study, one of the issues that I was a
25 little upside down on was the fact that when we did the

1 loose sorts through the methodology they said a yard of
2 garbage weighed, I think 68.8 pounds per cubic yard which
3 does not work anywhere in the world that I know of, but
4 yet it was part of that waste characterization study.
5 Are you talking a percentage based on that number?

6 MR. NUFFER: (Witness shook head.)

7 BOARD MEMBER JONES: Okay. This is actual
8 weight of those plastics?

9 MR. NUFFER: Right. They actually took the
10 container, eliminated the contamination, and weighed the
11 container. And then they added all those containers up
12 to get the --

13 BOARD MEMBER JONES: And it was that portion of
14 the bin or of whatever, not that portion of 68.8 pounds?

15 MR. NUFFER: Right.

16 BOARD MEMBER JONES: Right, it was the bin?

17 MR. NUFFER: We actually weighed the containers,
18 and that's the weight we used in our calculation. Does
19 that answer your question? No?

20 BOARD MEMBER JONES: I don't know. It just
21 seems kind of weird to me that it would be 22.7, 23.8,
22 and 25.1. It really looks like it should be 24.9 to be
23 consistent with the math, you know.

24 MR. NUFFER: That's the way the math worked out.

25 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

1 BOARD MEMBER PAPARIAN: Just one thing I wanted
2 to point out. I know that elsewhere the Board has used a
3 90 percent confidence level in the diversion study guide
4 with regards to the number of samples to go out and
5 collect. But then we pinpoint a number or we allow
6 localities to pinpoint a number rather than give us a
7 range for their diversion rate.

8 So I'm just, I'm just pointing that out in terms
9 of thinking that we ought to pinpoint a number here
10 rather than going with a range if we're going to be
11 consistent with how we do things elsewhere in other
12 programs in the Board.

13 BOARD CHAIR MOULTON-PATTERSON: Any staff
14 comment on that?

15 MS. WOHL: Well I think that was our basic
16 recommendation, right, to go with the --

17 MR. NUFFER: Yeah, we present a range to you so
18 that you know that we're presenting a estimate, and
19 that's our best estimate is 23.8. But there may be error
20 in that resulting from our sampling. So you can adopt a
21 range or you can adopt a single rate.

22 BOARD MEMBER PAPARIAN: And in the case of
23 diversion rates for localities, we allow them to come up
24 with a specific number, even with, you know, our
25 knowledge that that's probably not the exact number, it

1 probably does fall within a range.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you, we do
3 have some speakers. Tim Shestek. I always, I'm sorry,
4 Tim.

5 MR. SHESTEK: No problem. Thank you, Madam
6 Chair and members.

7 BOARD CHAIR MOULTON-PATTERSON: Was I close?

8 MR. SHESTEK: Tim Shestek with the American
9 Plastics Council.

10 BOARD CHAIR MOULTON-PATTERSON: Shestek.

11 MR. SHESTEK: On behalf of APC I want to thank
12 the Board for the opportunity to speak today. We do
13 support staff recommendation to adopt a recycling rate
14 range.

15 We do appreciate, though, the hard work that
16 staff has put forth to really ensure that all interested
17 parties have had an opportunity to participate in the
18 recycling rate calculation process. I can recall a
19 number of interested parties meeting this past year as
20 this process was ongoing.

21 I think on the bigger picture, adoption of the
22 staff recommendation really will allow the Board and the
23 regulated community, I think, an opportunity to catch up,
24 if you will, in terms of the Board developing a
25 prospective rate, and for product manufacturers to really

1 more fairly respond to any future compliance order if
2 that is the case.

3 I think the Board is well versed in knowing that
4 the requirement of product manufacturers in terms of
5 compliance based on previous year's activities is really
6 a very difficult task to undertake.

7 And I also think the Board, by adopting staff
8 recommendation, will allow the process of the plastics
9 white paper to really be completed fully and
10 comprehensively, and really allow for a full discussion
11 of whatever may result from that effort.

12 So we again, on behalf of APC, would like to
13 recommend staff recommendation be adopted.

14 Thank you.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you.
16 Randy Pollack.

17 MR. POLLACK: Thank you, Madam Chair, members of
18 the Board. Randy Pollack on behalf of the Soap and
19 Detergent Association and several other companies,
20 including Dial and Colgate, Palmolive.

21 We're here today to support the staff
22 recommendation number two that would adopt a range and
23 not go further with any certifications for the year 2000.

24 It's our preference that we would go to, we
25 would like the Board to adopt number one, but say that we

1 are in compliance, that the 25 percent has been met.
2 Because there is a possibility that we had met that. But
3 in the spirit of cooperation working with staff, we are
4 here to support number two, and for several reasons.

5 One, for the last couple years you have done the
6 certification program of over 1,400 companies, and as you
7 will be seeing later on today in the next agenda item,
8 you will have compliance orders coming to you. And I
9 think that they're going to be coming to you for the next
10 several months.

11 So I think this is an opportunity for staff to
12 sort of clean up all those companies, work with them to
13 make sure we get them into compliance for future years.

14 Additionally, as has been mentioned, there's a
15 plastics study that's currently underway that should
16 provide a report to the Board in the spring of next year
17 which will provide the Board with a little bit more
18 information in which direction we should go.

19 Additionally, I think this could be an opportune
20 time for staff to look back over the certification
21 process, figure out what worked, what didn't work. Maybe
22 survey just a few of them about, you know, how many hours
23 did it take for you to fill this out? Can we make the
24 forms a little simpler? What happened with the container
25 manufacturing forms? Which has been sort of the most

1 difficult part of this process.

2 So we think that, you know, taken together, this
3 would be a great opportunity for the staff to get a
4 breather, because as we all know, for the last two years
5 all they've been doing is try to track down these 1,400
6 companies to get the information from them.

7 So on behalf of SDA, we would support option
8 number two. Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you.
10 Denise Delmatier.

11 MS. DELMATIER: If I might defer to Mr. Murray?

12 BOARD CHAIR MOULTON-PATTERSON: Certainly. Mark
13 Murray.

14 Did you wish -- you don't wish to speak?

15 MS. DELMATIER: No, I do.

16 BOARD CHAIR MOULTON-PATTERSON: Oh, after?

17 MS. DELMATIER: Yes.

18 BOARD CHAIR MOULTON-PATTERSON: Okay.

19 MR. MURRAY: Madam Chair, members, Mark Murray
20 again with Californians Against Waste.

21 I'm passing out a packet of information that has
22 letters that we've collected. I wasn't sure if all of
23 you would get the letters that were generated in the last
24 couple of days, it's about 20, 25 letters from local
25 government, private recyclers, and environmental folks

1 opposing the range.

2 And there's also kind of a summary of some of
3 the facts here on the recycling rate. So I want to make
4 just a couple of points.

5 Number one, I am not disagreeing with the way
6 that your staff calculated this rate, I think that based
7 on the rules of the game that they were presented with, I
8 think that they did it correctly, so I don't have a
9 disagreement there.

10 We do have a disagreement with regard to the
11 methodology that the Board is using. And so let me just
12 kind of -- the thing that maybe, your staff has come up
13 with a 23.8 percent rate, and probably the smartest thing
14 for me to do would be to say it's 23.8, and I should just
15 shut up and walk away.

16 But I'll tell you, it burns me that anyone would
17 walk out of this meeting thinking that the plastic
18 container recycling rate in the State of California is
19 anywhere close to 25 percent. The fact is that it's
20 nowhere close to 25 percent.

21 There is one category of plastic containers that
22 are being recycled at a 40, 50 percent rate. Those are
23 the beverage containers that are covered by the state's
24 bottle and can recycling law.

25 We've got an incentive program, we've got a

1 refund value on this program, we've got a processing fee,
2 and the industry hates that and they oppose the expansion
3 of that program. That's one category of containers.

4 Then we've got the category of containers that
5 this Board is responsible for regulating, that we've been
6 taking compliance action on these guys for the last half
7 dozen years.

8 The recycling rate for those containers, the
9 tonnage of those containers that are being recycled
10 divided by the tonnage of those containers that are being
11 generated, according to your own waste characterization
12 study -- forget the definition of an RPPC, you take all
13 of the non-beverage containers recycled, you divide by
14 all of the non-beverage container, plastic containers
15 that are disposed of, you add the two together, that's
16 your generation. And you divide that number and a
17 recycling rate is in the eight to thirteen percent
18 range. It's nowhere close to 25 percent recycling.

19 Now, the way that we've got this methodology, my
20 concern is that, and my objection with the methodology is
21 when we did the waste characterization study in 1999, we
22 looked at plastic containers. And you look right on the
23 third page of the report and it shows the tonnage of
24 plastic containers, and it's 670,000 tons of plastic
25 containers that are being disposed of in California.

1 But then Cascadia made some determination that
2 some subset of those containers are, in fact, RPPCs, and
3 those are the containers that should be viewed as
4 disposed of for the purposes of calculating the
5 generation number.

6 We don't make that same distinction when we're
7 surveying processors in terms of the number of plastic
8 containers that are being recycled. Plastic containers
9 report to the State Department of Conservation, to the
10 Integrated Waste Management Board. Here are the plastic
11 containers. We don't make the distinction between size,
12 we don't make a distinction between whether it's part of
13 the program or not part of the program.

14 Cascadia had this detailed information when they
15 were doing the waste characterization study about what
16 the Board recognized as an RPPC. So that's my problem
17 with the numbers.

18 And again, it's 23.8, they're below 25 percent,
19 so I should just shut up. But the problem that I have is
20 that this is an industry that hasn't pulled their weight
21 relative to other industries in terms of supporting
22 recycling, and the notion that anyone would think that
23 they're anywhere close to 25 percent frankly is very
24 frustrating to me.

25 In terms of just looking at the numbers that

1 your staff did come up with, I just want to point out
2 that there was no increase in RPPC recycling. The reason
3 that the rate appears to increase from 17 percent to 23
4 percent is because:

5 Number one, there was an increase in beverage
6 container recycling because we added these new
7 containers. But the actual real number of non-beverage
8 container plastic containers recycled actually went down
9 by 8,000 tons.

10 And the only reason it appears that the rate
11 went up is because the industry reported that the sales
12 of plastic containers from 1999 to the year 2000 actually
13 went down by ten percent.

14 Now, in the materials that I've handed you is
15 some information from a plastics industry study, the
16 Fredonia group, did a study that shows plastic container
17 sales increased from 1999 to 2000. But that wasn't
18 reported by the APC in the numbers that you used to
19 adjust the 1999 disposal data.

20 So just to wrap up, it fries me to say this, but
21 your staff has come up with 23.8, that's not 25 percent.
22 The rules say 25 percent. So I'd ask you not to approve
23 a range.

24 I am asking you to, let's take another look at
25 plastics. Let's take another look at the recycling rate

1 for plastics. And I think that using the data that
2 you've already had, recrunch the numbers that you've
3 already had, and let's make a real honest assessment of
4 what is the recycling rate for the RPPCs that you are
5 responsible for regulating.

6 And I think, looking at those same numbers,
7 you're going to find that the recycling rate is nowhere
8 near 25 percent. You don't have to go out and do anymore
9 surveys, you don't have to go out and do anymore waste
10 characterization studies, just take the raw data that
11 you've already got, and let's find out, as far as the,
12 when the public looks at a plastic container, what's the
13 recycle rate for that plastic container. Not bottle bill
14 containers because the public is paying a fee on those
15 containers. What's the recycling rate for the RPPCs that
16 are regulated by this law? And you'll see it's nowhere
17 close to 25, it's in the eight to ten percent range --
18 eight to thirteen percent range.

19 If there's any questions?

20 BOARD CHAIR MOULTON-PATTERSON: Any questions
21 for Mr. Murray? Okay. Thank you.

22 MR. MURRAY: Thanks a lot.

23 BOARD CHAIR MOULTON-PATTERSON: Denise
24 Delmatier.

25 MS. DELMATIER: Madam Chair and members of the

1 Board, Denise Delmatier with NorCal Waste Systems.

2 I want to echo the comments by Mr. Murray but
3 also express the frustration on behalf of the solid waste
4 industry in dealing with these containers.

5 We know that these containers are the big
6 problem for us as far as finding a marketplace for these
7 materials. They are the most expensive to handle, they
8 are the most expensive to process, and we lack any
9 serious markets for the materials.

10 Now the AB 2020 program under the Department of
11 Conservation obviously addresses two to three percent of
12 the waste stream, they handle those plastic containers
13 with the appropriate and statutory incentives that are
14 already in place.

15 But this Board must address the other part of
16 the waste stream that we are required to collect and
17 handle and process under AB 939. That's the issue here.
18 What are we going to do about those plastic containers
19 that we're already out there collecting under the
20 Integrated Waste Management Act, not the bottle bill, but
21 the Integrated Waste Management Act. What are we going
22 to do about those containers?

23 The law already says there has to be a 25
24 percent rate. Not a range, but a rate. And that's all
25 we're asking for.

1 Let's implement the law. Let's keep plastics
2 honest, and help us out, both private and public solid
3 waste industry, in trying to continue to do the job to
4 get these things recycled.

5 I appreciate the time and I'd be happy to answer
6 any questions.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any
8 questions?

9 Okay. Thank you very much. Okay. Mr. Jones.

10 BOARD MEMBER JONES: Madam Chair.

11 BOARD MEMBER EATON: Are you going to move
12 anything?

13 BOARD MEMBER JONES: Uh-huh.

14 BOARD MEMBER EATON: I have a question before
15 you --

16 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton and
17 then Mr. Jones.

18 BOARD MEMBER EATON: I wanted to ask, you know,
19 perhaps a representative from each of the parties how --
20 first off, is it staff's position that they would like to
21 kind of move into a prospective range situation as
22 opposed to a retroactive application in terms of a
23 philosophical --

24 MR. NUFFER: Yes.

25 BOARD MEMBER EATON: Okay. Then how then does

1 your recommendation promote that philosophical position?
2 And I'm just inquiring, and I'd like to hear from both
3 the plastics industry as well as the Californians Against
4 Waste if they agree, first, that that is a desirable way
5 to move; and two, what is their way to move towards
6 that?

7 MR. NUFFER: I think in theory --

8 BOARD MEMBER EATON: And do any of these promote
9 that better than one of the others?

10 MR. NUFFER: You're talking about the
11 prospective rate?

12 BOARD MEMBER EATON: Well that was one of the
13 underpinnings, correct, at least last month when we voted
14 to adopt this, this was a way for us to kind of move out
15 of this sort of, you know, churning of water to a way
16 where we can start to look ahead and give some, you know,
17 advance notice, this is what the rate might be and
18 therefore --

19 MR. NUFFER: Right. We'll still --

20 BOARD MEMBER EATON: -- and the arguments that,
21 you know, they can adopt their manufacturing process,
22 etcetera, much easier than retroactive.

23 So I'm trying to figure out under all of these
24 schemes how that's being done. Because we seem to be at
25 loggerheads here. I'm getting the sense that we're right

1 back to that. And I voted last month based upon the fact
2 that we're trying to get out of that. So how do any of
3 your recommendations promote that?

4 MR. NUFFER: Right. The prospective rate gives
5 regulated manufacturers more time, more notice that they
6 will have to do something in order to be in compliance.
7 Every July we'll come before you with a recycling rate,
8 so that won't change.

9 Once that rate is published, then regulated
10 manufacturers will know whether or not, if the rate is
11 less than 25 percent, then they'll have to use post
12 consumer resin for the rest of the year, or they'll have
13 to lightweight their containers or do something else to
14 be in compliance.

15 If the rate we publish in July is more than, is
16 25 percent or more, then they can use that to say they're
17 in compliance.

18 BOARD MEMBER EATON: So if we adopt this range,
19 which is 25.1, that puts them in compliance?

20 MR. NUFFER: Yeah. If you adopt this rate for
21 2000 then, I mean if you adopt a range then companies can
22 consider themselves to be in compliance.

23 If you adopt a single, if you adopt that 23.8
24 percent, then it's below 25, and companies would have to
25 do something, would have to prove to us that they were in

1 compliance for 2000 using something else, and for 2001
2 they'd have to do something else to be in compliance.

3 Does that --

4 BOARD MEMBER EATON: Yeah, I understand. Does
5 Mr. Murray want to speak to that issue? And maybe Mr.
6 Shestek or Mr. Pollack could help out?

7 MR. MURRAY: Mark Murray with Californians
8 Against Waste.

9 I really like the prospective approach, the idea
10 of giving the industry some information.

11 BOARD MEMBER EATON: Right.

12 MR. MURRAY: My problem is with the number
13 itself. So just to be clear, this means if this range
14 was adopted, not only do they not have to do anything for
15 2000, they don't have to do anything for 2001. I'm not
16 sure anyone thinks that the plastics industry shouldn't
17 be doing more in terms of source reduction and recycled
18 content.

19 BOARD CHAIR MOULTON-PATTERSON: Thank you.

20 MR. SHESTEK: Tim Shestek with American Plastics
21 Council.

22 In terms of policy we've been a real advocate of
23 the prospective rate just for the reasons that you've
24 outlined in terms of giving product manufacturers an
25 opportunity to gear up and figure out what they might

1 need to do.

2 I don't know how you get there unless you
3 somehow catch up, and I think that's the big hurdle that
4 we're facing today.

5 With this adoption of the range I think it gives
6 you that opportunity to catch up and see what this, what
7 this white paper produces. Maybe we have some different
8 directions we need to go, we just don't know yet.

9 But I think we're in agreement with Mark, I
10 think I can say that, it's one of the few times I'll say
11 that, but in terms of a prospective rate. I think the
12 product manufacturers are in agreement with that as well.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you. Is
14 that it, Mr. Eaton?

15 BOARD MEMBER EATON: Yeah.

16 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

17 BOARD MEMBER JONES: Thanks, Madam Chair. I'm
18 going to make a motion, it's a little different than what
19 the staff had proposed.

20 But I do want to say that at the very first
21 Board meeting I ever came to the plastics rate had been
22 an issue for five months or four months prior to me
23 getting here and it was a three to two vote continually.
24 And the range I think at that time took it from 20 --

25 MR. NUFFER: 24.6.

1 BOARD MEMBER JONES: To 25.3 or something, so it
2 was close and it got people moving, and that was one of
3 the reasons that I agreed to do it.

4 At the same time I gave a little shot and let
5 people know at my first Board meeting that they weren't
6 going to be able to go out and buy advertising time and
7 say that they had made the rate in California, that they
8 had to really do things.

9 I am working with APC and will continue to work
10 with APC on their public education program with
11 Albertsons and the shelf talkers because people have to
12 understand that they not only can recycle this, but they
13 need to buy products with recycled content. So, and I'm
14 not going, I'm not going to ever vary from that.

15 But I am going to move option three that says
16 that we adopt the 2000 all container rate of 23.8
17 percent, which is within a range of 22.7 and 25.1; and a
18 PET recycling rate of 36.1; determine which plastics
19 packaging manufacturers are not in compliance with either
20 the compliance year 2000 or for the compliance year 2001
21 once the postconsumer regulations are filed with the
22 Secretary of State, and conduct a limited certification
23 of compliance of about seventy, I'm going to say seventy
24 individual companies held over from the previous
25 certifications because there are 1,400 certifications

1 going on and that's a lot of work for our staff.

2 And I will do that under a revised Resolution
3 2001-250.

4 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a
5 motion on the floor.

6 BOARD MEMBER ROBERTI: Second.

7 BOARD CHAIR MOULTON-PATTERSON: Seconded by
8 Senator Roberti to, it's a motion by Mr. Jones and
9 seconded by Roberti to approve Resolution 2001-250
10 Revised to reflect option three.

11 BOARD MEMBER JONES: Yes, ma'am.

12 BOARD CHAIR MOULTON-PATTERSON: Any questions
13 before we vote? Seeing -- Mr. Paparian.

14 BOARD MEMBER PAPARIAN: Yeah, just a couple of
15 things. There were a couple of issues that were raised,
16 and one was to, related to examining the data from the
17 1991, or 1999 waste characterization study. I'm not sure
18 that needs to be part of the resolution, but I suspect
19 we'd all like to have some reexamination of that data to
20 see if there's anything that we can learn from the data
21 that would be relevant to our future work in this area.

22 BOARD CHAIR MOULTON-PATTERSON: Anything else,
23 Mr. Paparian?

24 BOARD MEMBER PAPARIAN: Huh-unh.

25 BOARD CHAIR MOULTON-PATTERSON: Okay. Please

1 call the roll.

2 BOARD SECRETARY VILLA: Eaton?

3 BOARD MEMBER EATON: Aye.

4 BOARD SECRETARY VILLA: Jones?

5 BOARD MEMBER JONES: Aye.

6 BOARD SECRETARY VILLA: Medina?

7 BOARD MEMBER MEDINA: Aye.

8 BOARD SECRETARY VILLA: Paparian?

9 BOARD MEMBER PAPARIAN: Aye.

10 BOARD SECRETARY VILLA: Roberti?

11 BOARD MEMBER ROBERTI: Aye.

12 BOARD SECRETARY VILLA: Moulton-Patterson?

13 BOARD CHAIR MOULTON-PATTERSON: Aye.

14 BOARD MEMBER JONES: Madam Chair.

15 BOARD CHAIR MOULTON-PATTERSON: Yes, Mr. Jones.

16 BOARD MEMBER JONES: Just one thing on Mr.

17 Paparian's suggestion, and I think staff is all the time

18 working on that number with these people, and I think we

19 do have to, I think some of the things that Mr. Murray

20 brought up makes sense, and I think there's just

21 disagreement about maybe how we look at some of that

22 stuff. So I'm wondering just for definition, we're just

23 talking about them sitting down again and maybe looking

24 at how to crunch these, make sure that all these issues

25 are being dealt with with the way the parties --

1 BOARD MEMBER PAPARIAN: Right. I think Mr.
2 Murray has some very good points in terms of how the data
3 can be used or can be viewed, and I think if our staff
4 were to sit down with him and go over what he's got, I
5 think that could be a very fruitful discussion.

6 BOARD MEMBER JONES: Right. And I think all I'm
7 saying is that I think our staff does that, maybe they
8 got to keep doing it. And people disagree sometimes.
9 Mark knows that and they know, we all know it.

10 But I think you're right, there has to be a way
11 to get this number, and it's only a number. But, you
12 know, it's a message that more and more things are being
13 made out of plastic, and while plastic is a good thing it
14 is costing citizens a lot of money to recycle, and we
15 gotta find markets.

16 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

17 BOARD MEMBER ROBERTI: Yeah, I just want to add
18 that I've seconded and voted for the resolution because
19 it calls for compliances and I think that's very
20 important. And I don't want to see the day come when we
21 sort of never have compliances. So if we clearly are
22 over 25 percent -- excuse me, certifications.

23 And I tend to agree with Mr. Murray that our
24 methodology is skewed and the plastics industry looks a
25 little bit better than it should. But whatever,

1 whatever, we have certifications we're calling for.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you,
3 Senator.

4 MS. WOHL: Madam Chair, can I just make a quick
5 comment? We are working on the plastics white paper, and
6 that may be appropriate to sort of incorporate the relook
7 at the 1999 waste characterization study into that
8 project.

9 BOARD CHAIR MOULTON-PATTERSON: Great. When is
10 white paper due?

11 MR. NUFFER: This spring.

12 MS. WOHL: Spring.

13 MR. NUFFER: And you also directed us to bring
14 back an agenda item in October discussing some of these
15 issues, so we'll be doing that too.

16 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
17 you.

18 BOARD MEMBER EATON: So Mr. Nuffer, excuse me.
19 Now that we've done this action, what happens in 2002?
20 Now are they going to shoot for this range in 2002
21 prospectively? I'm trying to find out what the next step
22 is in staff's thinking. I mean we don't have to take any
23 action, but obviously this is for 2000, 2001. Now we're,
24 we're all at the starting line, right?

25 MR. NUFFER: Right.

1 BOARD MEMBER EATON: Now where do we go?

2 MR. NUFFER: Well companies now know that if
3 they aren't doing something they will have to do
4 something to demonstrate compliance by the end of the
5 year for 2001.

6 2002 we'll wait until the rate is, until you
7 adopt the rate in July of next year for 2002, then
8 they'll have the end, the last six months of 2002 to do
9 something if they weren't in compliance.

10 BOARD MEMBER EATON: Right. But how do we get
11 into the position where it's greater than six months? Do
12 you understand? I'm trying to figure out --

13 MR. NUFFER: Only if you extend, if you say --

14 BOARD MEMBER EATON: I mean is there something
15 we need statutorily? Is there something we need to move,
16 because in six months, yeah, you kind of like, this is
17 how well you're doing, it's kind of like a midterm grade.

18 I'm trying to figure out how do you know, kind
19 of based on the Oregon model, they know almost a year, a
20 year in advance what they have to shoot for, and then if
21 they don't hit it they're nailed for however under their
22 scheme.

23 So how do we get it more than six months so that
24 way we know?

25 MR. NUFFER: Right. If the Board adopted, if

1 you agreed that the rate we adopted this July would be
2 good for the year 2002, that's one way to do it, instead
3 of just for the end of 2001.

4 BOARD MEMBER JONES: So it would be like an
5 eighteen months, it would be an eighteen month thing?

6 MR. NUFFER: Right, you'd give them more time.

7 BOARD MEMBER EATON: Thank you.

8 BOARD CHAIR MOULTON-PATTERSON: Okay. Are you
9 going to present number ten?

10 MR. NUFFER: Yes. Thank you.

11 BOARD CHAIR MOULTON-PATTERSON: Great.

12 BOARD MEMBER JONES: I know we're under time.
13 Will this discussion or at least a little bit of this
14 issue come out in this white paper? I mean will you at
15 least look at what Mr. Eaton just said, and I'm sure you
16 are, but maybe looking at what Mr. Eaton brought up as
17 part of the white paper maybe gives us some potential
18 solutions.

19 MR. NUFFER: Sure. Sure.

20 BOARD MEMBER JONES: Thank you.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. We're
22 onto item number ten now. And after this we'll take a
23 break.

24 MR. NUFFER: This is the second month we've
25 brought forward compliance agreements. This month we're

1 bringing forth sixteen agreements. None of the companies
2 or all the companies we were, we initially started out
3 with thirty, we pulled thirty from our database, we
4 resolved fourteen. The sixteen that were left agreed to
5 compliance agreements. There were no companies we need
6 to schedule for public hearings.

7 All the compliance agreements are exactly the
8 same except for the names of the companies. And as you
9 recall, these are for companies that were out of
10 compliance in '97, '98, or '99. And as I said earlier,
11 we're going to be bringing 20 to 25 of these a month to
12 you for the next five or six months.

13 So with that I'll ask for questions.

14 BOARD CHAIR MOULTON-PATTERSON: Okay. Any
15 questions? I see Mr. Paparian has his light on.

16 BOARD MEMBER PAPARIAN: I'll just make the
17 motion, Madam Chair.

18 BOARD CHAIR MOULTON-PATTERSON: Okay.

19 BOARD MEMBER PAPARIAN: Can we do these as a
20 group? I would like to move Resolutions 2001-251, dash
21 254, dash 255, dash 256, dash 257, dash 258, dash 259,
22 dash 260, dash 261, dash 262, dash 263, dash 264, dash
23 265, dash 266, dash 267, and dash 268.

24 BOARD MEMBER JONES: I'll second.

25 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a

1 motion by Mr. Paparian, seconded by Mr. Jones, to approve
2 Resolutions 2001-251 through -- as read.

3 Please call the roll.

4 BOARD SECRETARY VILLA: Eaton?

5 BOARD MEMBER EATON: Aye.

6 BOARD SECRETARY VILLA: Jones?

7 BOARD MEMBER JONES: Aye.

8 BOARD SECRETARY VILLA: Medina?

9 BOARD MEMBER MEDINA: Aye.

10 BOARD SECRETARY VILLA: Paparian?

11 BOARD MEMBER PAPARIAN: Aye.

12 BOARD SECRETARY VILLA: Senator Roberti?

13 (Not present.)

14 BOARD SECRETARY VILLA: Moulton-Patterson?

15 BOARD CHAIR MOULTON-PATTERSON: Aye.

16 MS. WOHL: Madam Chair, can I -- just one more.

17 We were thinking that maybe we'd like to put this on
18 consent in the future, and then if you have any issues
19 you could pull it off. Would that work for the Board?

20 BOARD MEMBER EATON: I don't think so.

21 BOARD MEMBER JONES: It's a compliance order. I
22 think it's enforcement and we need to do that.

23 BOARD CHAIR MOULTON-PATTERSON: Okay. I don't
24 think so.

25 MS. WOHL: Okay.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.

2 We're going to take a ten minute break and then we'll
3 come back with diversion planning and local assistance,
4 number fourteen.

5 Thank you.

6 (Thereupon there was a brief recess.)

7 BOARD CHAIR MOULTON-PATTERSON: I'd like to
8 call the meeting back to order, please.

9 Ex-partes, Mr. Eaton.

10 BOARD MEMBER EATON: Just a meet and greet with
11 Rick Daniels.

12 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: Jim Kuhl and Mike Mohajer
14 and I think that -- and Denise Delmatier. And George
15 Larson -- sorry about that, George, talking about
16 plastic.

17 BOARD CHAIR MOULTON-PATTERSON: Okay, I had
18 none.

19 Mr. Medina.

20 BOARD MEMBER MEDINA: None to report.

21 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

22 BOARD MEMBER PAPARIAN: None.

23 BOARD CHAIR MOULTON-PATTERSON: Okay. We're on
24 item number 14.

25 Good afternoon.

1 MR. POULSON: Good afternoon, Madam Chair and
2 members of the Board. I'm Zane Poulson with the Board's
3 Office of Local Assistance, South Section.

4 On October 20th, 1999, the Board issued the City
5 of Westmorland a compliance order which required the city
6 to correct the diversion rate measurement inaccuracies
7 and document the city's meeting the 25 percent diversion
8 goal.

9 The city conducted a new waste generation study
10 based on 1998 data, and the city is requesting that the
11 Board approve the city's new 1998 base year with a
12 diversion rate of 19 percent.

13 Board staff have reviewed the city's 1998 waste
14 generation study and new base year request, and have
15 determined that the new base year meets Board's, base
16 year request meets Board's standards for documenting
17 diversion activities.

18 In addition, Board staff have visited the city
19 to verify programs included in the city's waste
20 generation study.

21 Therefore, staff recommend that the Board
22 approve the city's new 1998 base year.

23 Because the city failed to meet the 1995
24 diversion goal 25 percent, Board staff of the Office of
25 Local Assistance or OLA, are continuing to provide

1 assistance to the City of Westmorland to augment and
2 improve program performance.

3 The city and OLA staff are currently developing
4 an assistance plan and a work plan with specific programs
5 that the city will agree to implement in order to achieve
6 compliance.

7 Once the city has Implemented all the programs
8 outlined in their assistance and work plans, OLA staff
9 will bring forward another item for the Board to consider
10 ending the compliance order.

11 There is a representative here from the city
12 today.

13 This concludes staff presentations. Are there
14 any questions for staff?

15 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
16 Poulson.

17 Mr. Eaton.

18 BOARD MEMBER EATON: How many pallets were
19 reused?

20 MR. POLLACK: In the -- specifically or which?
21 Well, there's different ones for different businesses.

22 BOARD MEMBER EATON: Because my understanding
23 was is that if you used one pallet you were going to use
24 it twenty times and you couldn't count it more than
25 twenty times, but that doesn't add up to the figures that

1 I'm seeing here. It's like everytime you reused it you
2 got a forty pound credit.

3 MR. POULSON: Well there's a --

4 BOARD MEMBER EATON: Is that correct?

5 MR. POULSON: Well, a lot of the reuse was sent
6 for some of the ones, the bee, the apiaries, they were
7 actually being sent down and kind of in a sense being
8 reused and recycled and making stucco fences in Mexico.
9 So I don't know if that's a little bit different than
10 some of the other reuses.

11 BOARD MEMBER EATON: Go ahead.

12 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: So the honey, the honey
14 company is using a pallet, they're getting credit for
15 forty pounds one time?

16 MR. POULSON: Yes.

17 BOARD MEMBER JONES: And then if they recycle it
18 into stucco or wood for that, they get that forty pound
19 credit for the end use at the end of the day.

20 MR. POULSON: Well just the forty pound credit
21 for the end use is what I understood.

22 BOARD MEMBER JONES: Right, so they're not
23 getting, if they used it twenty times they're not getting
24 800 pounds of credit?

25 MR. POULSON: Precisely.

1 BOARD MEMBER JONES: They're getting forty for
2 the continual reuse as a pallet.

3 MR. POULSON: Yes.

4 BOARD MEMBER JONES: And the forty for when it
5 was made into something else?

6 BOARD MEMBER JONES: Somebody is shaking their
7 head behind you and I can see that without my glasses,
8 that's pretty good.

9 MR. POULSON: Yes, that's correct.

10 BOARD MEMBER JONES: Our concern is people were
11 multiplying forty by twenty and getting 800 pounds of
12 credit for every pallet so we're just, my issue is just
13 making sure that's not continuing.

14 BOARD MEMBER EATON: So would it be fair to say
15 that half of all their diversion relates to pallets?

16 MR. POULSON: Yes, a very large portion of it
17 does relate to pallets.

18 BOARD MEMBER EATON: So what other programs do
19 they have for reuse?

20 MR. POULSON: Well the other reuse, there's a
21 bee box reuse also which is a program that we actually
22 visited and verified that they reuse a lot of the bee
23 boxes.

24 And I think, and on those ones those were, each
25 bee box as they are run out of their use they are taken

1 and stored and, when they fall into disrepair, and then
2 those also are shipped down to Mexico where they use the
3 cheaper labor force in order to repair those and reuse
4 those down in Mexico.

5 BOARD MEMBER EATON: Because I have a hard time
6 looking at population of 1,720, and a liquor store has
7 eight tons of cardboard reuse. That's a lot of
8 consumption of booze, and a lot of cardboard. And you
9 got eight tons, eight tons with a population of 1,720
10 from a liquor store. I'd like to know how that's
11 calculated.

12 BOARD MEMBER PAPARIAN: We'll have to do an
13 on-site inspection of it one evening.

14 BOARD MEMBER EATON: Yeah, did you go there?

15 MR. POLLACK: I personally didn't go to that.

16 BOARD MEMBER EATON: Well, I mean it raises a
17 red flag to me. Recycling cardboard boxes, eight tons,
18 liquor store.

19 MS. MORGAN: Cara Morgan, Office of Local
20 Assistance.

21 Board Member Eaton, I have not been to the city
22 previously, but as I understand the way that they did
23 calculate, this is cardboard recycling, just to clarify
24 that it is not cardboard reuse.

25 And if Mr. Diaz from the city would like to

1 respond to the specifics of how they quantified?

2 We did have staff that went out to visit the
3 city to verify the tonnages, how they were quantified,
4 etcetera, and it did appear reasonable.

5 Their number one activity is the scrap metal
6 recycling which is their big program, coming from the
7 welder in the city which is their main program.

8 Then their remaining activities, there's a
9 significant amount of recycling that's going on as well
10 as the other reuse activities.

11 BOARD MEMBER EATON: But you can understand my
12 point, when you have a market that uses less cardboard
13 boxes than a liquor store? The supermarket only uses
14 six. So unless this is like a super liquor store, I'm
15 having a hard time figuring out, you know, cause
16 generally when you deliver to a liquor store it doesn't
17 come in cardboard boxes, the beer.

18 MS. MORGAN: Actually that would probably be a
19 good question for Mr. Diaz to answer since we have not
20 been there.

21 BOARD CHAIR MOULTON-PATTERSON: Yes, would a
22 representative of the city please come forward?

23 MS. MORGAN: Because he's the one that's out
24 there and done it.

25 MR. DIAZ: Madam Chair and members of the

1 Board --

2 BOARD CHAIR MOULTON-PATTERSON: Please state
3 your name for the record.

4 MR. DIAZ: My name is Joe Diaz and I'm the
5 public works director for the City of Westmorland. And
6 the little City of Westmorland is about forty miles from
7 the border. We have a lot of migrant buses, actually
8 that are running all day, and they sure drink a lot of
9 beer. And that's my answer.

10 Thank you.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you.

12 Anything else, Mr. Eaton?

13 BOARD MEMBER EATON: I think that says it all.

14 BOARD CHAIR MOULTON-PATTERSON: Any other
15 questions?

16 Mr. Jones.

17 BOARD MEMBER JONES: It is 44 pounds a day of
18 cardboard, that's a lot of cardboard from a liquor store.

19 Anyway, I'm going to move adoption of Resolution
20 2001-234 for the consideration of staff recommendation to
21 change the base year to 1998 for the previously approved
22 source reduction recycling element for the City of
23 Westmorland in Imperial County.

24 BOARD MEMBER MEDINA: Second.

25 BOARD CHAIR MOULTON-PATTERSON: We have a motion

1 by Mr. Jones, seconded by Mr. Medina to approve

2 Resolution 2001-234.

3 Please call the roll.

4 BOARD SECRETARY VILLA: Eaton?

5 BOARD MEMBER EATON: No.

6 BOARD SECRETARY VILLA: Jones?

7 BOARD MEMBER JONES: Aye.

8 BOARD SECRETARY VILLA: Medina?

9 BOARD MEMBER MEDINA: Aye.

10 BOARD SECRETARY VILLA: Paparian?

11 BOARD MEMBER PAPARIAN: Aye.

12 BOARD SECRETARY VILLA: Moulton-Patterson?

13 BOARD CHAIR MOULTON-PATTERSON: Aye. Item

14 fifteen.

15 MR. EDWARDS: Good afternoon, Madam Chair and

16 Board members. My name is Terri Edwards, I'm with the

17 Office of Local Assistance.

18 This item before you includes a request from the

19 City of Sand City to change their base year to 1999.

20 Based on staff's analysis of the new base year

21 generation study, it has been determined that their

22 diversion rate for 1999 is 47 percent. The diversion

23 study contains no statistical extrapolations.

24 The city is approximately two square miles and

25 has a population of 190 people.

1 In addition, the city is host to two major
2 retail shopping centers that serve the surrounding
3 jurisdictions on the Monterey peninsula.

4 Based on comments made at the Board briefing
5 last week, we've reviewed the original cardboard and
6 pallet tonnage claimed.

7 For the cardboard it was determined that the
8 tonnage for the baled cardboard should be revised. Staff
9 verified the type and size of the bailer and reduced the
10 tonnage being claimed.

11 As for the claimed pallets tonnage,
12 modifications were made to reflect a one time use.

13 Overall these changes resulted in a drop in
14 their diversion rate from 51 percent to 47, and a revised
15 agenda item has been submitted to you to reflect these
16 changes.

17 Board staff has visited the jurisdiction and had
18 the opportunity to see the diversion programs. In
19 addition, with these final revisions the proposed new
20 base year more adequately documents the city's diversion.

21 Therefore, staff is recommending the Board
22 approve the proposed new base year.

23 A member from the city is present to answer any
24 questions.

25 And this concludes my presentation. Thank you.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you. Do
2 we have a revised resolution on this one?

3 BOARD MEMBER PAPARIAN: Madam Chair, while
4 they're looking for that I have some questions about this
5 too.

6 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.
7 Paparian.

8 BOARD MEMBER PAPARIAN: Thank you. I'm looking
9 over the revisions and I have a couple of questions.
10 Bear with me as I'm kind of comparing it to my notes on
11 the original.

12 Are several of the generators sharing the same
13 bailer, the same bailing equipment?

14 MS. EDWARDS: The balers are all horizontal
15 balers, and the city has pictures of the different balers
16 from the other generators. And based on the specs for
17 the generators balers, they came up with the fact that
18 the bale size is, for each bale is 1,300 to 1,500, so
19 they went with a range in between which would be 1,400
20 pounds.

21 BOARD MEMBER PAPARIAN: So several of them are
22 using balers that resulted in 1,400 pound bales?

23 MS. EDWARDS: We couldn't get a specific model
24 so we came up with the specs on the bale size and went to
25 the manufacturer's site and looked up the specs, and

1 found that this was a more accurate reflex of the bailer.

2 BOARD MEMBER PAPARIAN: Okay. I'm looking, for
3 example, at generator one and generator four and
4 generator ten all have 1,400 pound bales --

5 MS. EDWARDS: Right.

6 BOARD MEMBER PAPARIAN: -- used in the
7 calculation. So you're telling me that those bales all
8 wind up the same size and, therefore, that they're all --

9 MS. EDWARDS: They're all major retail
10 businesses, so they all have pretty big sized horizontal
11 bales, balers.

12 BOARD MEMBER PAPARIAN: Okay. One of the bigger
13 ones appears to be generator one which is a wholesale
14 business. Is it a manufacturer or is it --

15 MS. EDWARDS: It's a wholesale retail business,
16 I can't really say anything without divulging the
17 business name, but it's a big business.

18 BOARD MEMBER PAPARIAN: Okay. Retail
19 businesses, well as would a manufacturer, retail
20 businesses have fluctuations in the amount of cardboard
21 they might produce in certain months of the year. Some
22 seasons you're going to, if it's a retail business, the
23 Christmas season, for example, would be, you tend to be
24 putting out a lot more cardboard as opposed to other
25 times of the year.

1 So I'm wondering, was any of that taken into
2 account in coming up with the thirteen and a half
3 average?

4 MS. EDWARDS: The city can answer that for you.
5 We have a representative, Charles Puller.

6 MR. PULLER: Charles Puller representing the
7 City of Sand City.

8 In reference to your question on seasonal usage
9 for generator number one; since I initiated doing the
10 study I sort of kept an eye on that particular store
11 because all their bales are stored outside and towards
12 the back; and it's very easy, usually during my lunch
13 hour I drive by on my way going to get something to eat
14 and keeping an eye on what's going on there.

15 I would say generally over the last year since
16 I've initiated the study it's been relatively consistent
17 in the number of bales that are back there.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you.

19 BOARD MEMBER PAPARIAN: And was any verification
20 done with whoever they sell these bales to, you know, how
21 many bales they're getting paid for?

22 MR. PULLER: The difficulty I had in doing this
23 research on all of these stores was trying to get as
24 accurate information as I could.

25 Managers are more interested in running their

1 business than keeping track of how much cardboard comes
2 in and comes out. And the corporations don't want to
3 share any dollar amount they might get in return for the
4 sale for that. So they were very hesitant in giving me
5 the information that I was able to acquire.

6 The, in terms of verifying the bales, whatever
7 was available for me to go out with a round tape measure
8 and measure out and verify, I've taken photographs,
9 documented, kept my, kept an eye on them this whole
10 period of time to make sure that the, what was recorded
11 back when I did, started doing the study in the spring of
12 2000 until this point has remained consistent.

13 All the shops have balers in the back, they're
14 all horizontal balers, they're all consistent in the size
15 and the type of bailer, they all look the same. I'm not
16 a bale expert, I couldn't tell you exactly what they are,
17 they all just look the same.

18 BOARD MEMBER PAPARIAN: Okay. So tell me again
19 how we came up with thirteen and a half. You personally
20 were seeing between twelve and fifteen?

21 MR. PULLER: You talking about the pounds for
22 the bale?

23 BOARD MEMBER PAPARIAN: No, now I'm to the
24 number of the bales.

25 MR. PULLER: According to the manager of

1 generator number one, and also in talking with the
2 gentleman who works down on the loading dock for that
3 particular business, they both said they average between,
4 I believe it was twelve and fifteen pallets per week. I
5 averaged that out for my math calculations at 13 and a
6 half.

7 BOARD MEMBER PAPARIAN: I mean it could be even
8 closer, if you run these numbers through, if you're
9 closer to the lower end in some of these businesses or if
10 they're not thinking about the weeks that they may not
11 be, you know, operating as fully as other weeks, it could
12 have an effect of several percentage points in the final
13 numbers.

14 MR. PULLER: All I can say is it's, that from
15 week to week it's looked relatively consistent in terms
16 of the number of bales back there, usually it's two rows
17 thick, sometimes they can be, they'll start double
18 stacking the pallets -- the bales one on top of the
19 other.

20 I do have some photographs. I was lucky enough
21 to actually catch a truck fully loaded before it shipped
22 out if you wanted to see some of those, see that
23 photograph.

24 BOARD MEMBER PAPARIAN: Yeah, I mean unless you
25 had a lot of photographs for every week it would be hard

1 to judge what's really going on there.

2 That's all I've got right now, Madam Chair.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you very
4 much.

5 BOARD MEMBER EATON: Madam Chair.

6 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

7 BOARD MEMBER EATON: Do you know where the
8 pallets that are sent back to the distribution center are
9 going? What city that they go back to?

10 MR. PULLER: It varies on the corporations. I
11 do know that some of them go back to Livermore, some of
12 these stores have distribution stores in Livermore, but I
13 couldn't say as to what they all are. If I received
14 enough information to proceed from the actual manager I
15 didn't follow up on that.

16 BOARD MEMBER EATON: So I'd like to ask our
17 staff how many, what is Livermore claiming from this same
18 generator? And I've asked this question before.

19 Because the game here, and this is not against
20 your city, is that if you, if a corporation, a
21 distribution center buys a thousand pallets per year,
22 those pallets are distributed roughly around to their
23 various stores. So if you count 'em only once per twenty
24 uses, that should be a factor.

25 But what we're seeing here in all of these large

1 distribution chains are a double counting because they go
2 back to the distribution center, that center's city
3 counts them as recycling, and then they go out again and
4 that same pallet could go.

5 And I know that's a problem, but have we done to
6 track that? And how many in this instance are going back
7 to Livermore and what are they calling with the pallets
8 as a reuse? They're not bringing a lot of beer across
9 the border to the East Bay.

10 MS. MORGAN: No, I have to check with Livermore
11 and how much they drink.

12 Board member Eaton, to date we have not
13 established any kind of tracking system to track pallets.

14 One of the things we have done is reinforce the
15 working group's recommendations and what the Board
16 approved as far as counting pallets one for one.

17 The reason that this number was revised for the
18 pallets for this jurisdiction is that we did determine
19 that it was not being counted one for one, and that is
20 why we deducted the tonnage and reduced that amount.

21 So I think that's been really important. The
22 other pieces is that when jurisdictions do new base
23 years, if they do have a distribution facility within
24 their jurisdiction, they cannot claim those, that tonnage
25 that say is being shipped from the Safeway store to that

1 regional Safeway distribution store. So they would only
2 claim say the, maybe the paper recycling that's going on
3 in that distribution center. So that's what we have done
4 to date.

5 We have not set up a, any kind of large or
6 tracking system to track these pallets. We're trying to
7 promote what the working group came up with as far as
8 counting them one for one and ensuring that's being done.

9 In the cases where jurisdictions have
10 distribution facilities, we're trying to follow up to
11 ensure that they are not counting the pallets that would
12 have come from that store that's backhauling back and
13 forth.

14 We do recognize that, the issue of double
15 counting, and that's the way we've tried to address it.

16 BOARD MEMBER EATON: So are we counting or not
17 counting from the distribution center? I've heard both,
18 you've kind of said both things. So is it kind of a
19 blanket, they don't get any credit at all?

20 MS. MORGAN: From the distribution center they
21 would not get the credit of the pallets that are being
22 backhauled between, you know, say the Safeway to the
23 Safeway distribution center, they would not.

24 We do have a jurisdiction in Solano County that
25 wanted to claim that when they did their base year study,

1 and we did not allow that tonnage to be accepted because
2 we did realize the issue with double counting, so that is
3 not allowed.

4 BOARD MEMBER EATON: But how about in this case
5 in Livermore with this generator?

6 MS. MORGAN: Livermore is not doing any base
7 year study.

8 BOARD MEMBER EATON: It doesn't make a
9 difference if they're counting it in the diversion rate,
10 they don't have to do it -- one of the jurisdictions
11 that's getting back the pallets doesn't necessarily have
12 to do a new base year in order to factor into the
13 evaluation. It's the whole system.

14 MR. SCHIAVO: It's really difficult to track a
15 whole system because it's a disposal reduction system
16 over all the state, and only the jurisdictions with new
17 base years can we even assess how many pallets they
18 potentially have. But if they're going to a distribution
19 center that is located in a jurisdiction that's relying
20 on their 1990 base year, and they haven't done a new one,
21 all we have is their disposal reduction number, so we
22 can't ever have a complete tracking of that.

23 BOARD MEMBER JONES: Madam Chair.

24 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

25 BOARD MEMBER JONES: So following up on what Mr.

1 Eaton was saying, if they, if we're going to catch those
2 distribution centers, if they're part of the survey in a
3 new generation study, and that's going to keep it from
4 being double counted; if they're not doing a new base
5 year then it wouldn't count because it's disposal
6 reporting. So if they disposed of them it'd count, if
7 they didn't it's just not a number. Okay. And we've
8 stayed consistent with that?

9 MR. SCHIAVO: Yes.

10 BOARD MEMBER PAPARIAN: Madam Chair.

11 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

12 BOARD MEMBER PAPARIAN: I'm sorry, I'm still
13 trying to look at the two documents together, the one we
14 just got today compared with the other one.

15 There was a, there was a statement that's now
16 crossed out that when the information was given to us on
17 the pounds per bale last time, it was 2,900 pounds per
18 bale, yet and this statement was crossed out, it says,
19 "It was determined by city and Board staff that the
20 thousand pounds per bale factor would be the most
21 appropriate to use in this case."

22 MR. SCHIAVO: When the original calculation was
23 done, erroneously what they did is took what they thought
24 was the compaction rate of a cubic yard, they thought
25 that was approximately a thousand pounds per cubic yard

1 and then applied it to the entire size of the bale. But
2 in looking at the manufacturer's spec it's between, you
3 know, it's thirteen to 1,500 pounds for the entire bale
4 and not per cubic yard, so that's why that was revised.

5 BOARD MEMBER PAPARIAN: Now to be conservative
6 in these things, why wouldn't you use 1,300 pounds, the
7 low end, as opposed to the average of 1,400 pounds?

8 MS. MORGAN: The reason that we chose to do that
9 is that they really did go out, Charles really did go out
10 with tape measures and measure these bales on a number of
11 occasions.

12 The bales were larger than what the bale
13 manufacturer's specs were, so we just went with the
14 mid-range and that range as was thirteen to 1,500, so we
15 took the average which was the 1,400 pounds per bale.

16 BOARD MEMBER PAPARIAN: If they're larger than
17 the manufacturer's specs, is the compaction rate less?
18 Is how they're compacted less than the manufacturer would
19 specify?

20 BOARD MEMBER JONES: If the bales were bigger
21 it's just fluff.

22 MR. SCHIAVO: A little bit longer. The length
23 can vary, and they were taking the length out a little
24 bit longer than the manufacturer.

25 BOARD MEMBER PAPARIAN: We had some information

1 which I raised some questions about last time at the
2 briefing, and then today we got handed the changes on the
3 thing, actually it's labeled draft, I assume it's no
4 longer a draft submittal, but the thing we were handed
5 today is labeled draft.

6 MS. MORGAN: Right.

7 BOARD MEMBER PAPARIAN: I'm just, I'm having
8 trouble making sure that I understand all this having
9 just been handed this today and not having a real
10 opportunity to look carefully at it, and so I think I'm
11 going to just have to hold off on this one and abstain if
12 there's a motion coming my way.

13 BOARD CHAIR MOULTON-PATTERSON: Okay. Any other
14 speakers or makers of motions? Well in that case -- Mr.
15 Jones?

16 BOARD MEMBER JONES: I don't think I'm going to
17 make a motion only because I don't think, I think there's
18 only three of us but -- I'll make the motion, what the
19 heck.

20 And I want to, I, I just want to let people
21 know, and especially in Southern California where we keep
22 getting the rap that all we do is talk about numbers and
23 that this is a bean counting game; when we're doing, when
24 we're doing new base years we're trying, we worked with
25 that group to try to come up with something that makes

1 sense and was fair to everybody, we see very, very
2 different documents every time we see a new base year,
3 and we're dealing with things like does dirt count? Does
4 this count? Does that count.

5 And there are things that, that every day kind
6 of eroded a system that was set up to try to get people
7 to, you know, to change habits. So that's why we are, we
8 are being as careful as we are right now, especially
9 after the diversion guide just came out.

10 But I mean I'll speak for me personally. These
11 are the bases, these new base years are going to help
12 determine compliance in about a year, a year and a half.
13 That's why they're being done. We've got to make sure
14 they're right so that cities and counties that do comply
15 with the law get to get that advantage, and those that
16 don't don't get to walk away. And I'm not saying anybody
17 in this room today is a don't, but you don't want those
18 cities to be able to take advantage of a system that
19 isn't well regulated when others are spending time,
20 effort and money to do it the right way.

21 So bear with us as we go through it. You can be
22 mad at us, but just understand that that's what's really
23 leading a lot of what we do.

24 Based on that, I'm going to move adoption of
25 Resolution 2001-235, consideration of a staff

1 recommendation to change the base year from 1999 to the
2 previously approved source reduction recycling element
3 for the City of Sand City in Monterey County.

4 BOARD CHAIR MOULTON-PATTERSON: I will second
5 it.

6 We have a motion by Mr. Jones, seconded by
7 Moulton-Patterson to approve Resolution 2001-235.

8 Please call the roll.

9 BOARD SECRETARY VILLA: Eaton?

10 BOARD MEMBER EATON: Abstain.

11 BOARD SECRETARY VILLA: Jones?

12 BOARD MEMBER JONES: Aye.

13 BOARD SECRETARY VILLA: Medina?

14 BOARD MEMBER MEDINA: I'm voting aye given that
15 the staff recommendation states that the Board staff has
16 determined that the method used to establish a new base
17 year has been adequately documented, and I take staff at
18 their word, so I'm voting aye on this one.

19 BOARD SECRETARY VILLA: Paparian?

20 BOARD MEMBER PAPARIAN: Abstain.

21 BOARD SECRETARY VILLA: Roberti?

22 (Not present.)

23 BOARD SECRETARY VILLA: Moulton-Patterson?

24 BOARD CHAIR MOULTON-PATTERSON: Aye. Motion
25 doesn't pass so I guess we will do some more work and see

1 if the questions can be answered and bring it back.

2 And I really do appreciate you going out on your
3 lunch hour and making a conscientious effort to try and
4 get a handle on this. Thank you. We want to work with
5 you.

6 Okay. Item 16 was pulled. Item 17.

7 MR. USELTON: Good afternoon, Madam Chair and
8 members of the Board. My name is Steve Uselton, I'm the
9 supervisor of the Los Angeles local assistance office.

10 The item before you has been prepared as part of
11 the city's 1999 annual report to us. It's a generation
12 study requesting a new base year for 1999. The city's
13 previous base year was 1995.

14 To estimate waste generation within the city,
15 the city did use the disposal data from the Board's
16 disposal reporting system and collected diversion
17 information from the following activities including:

18 Residential curbside collection, including bulky
19 item pickup.

20 Commercial on-site and self-haul recycling that
21 was reported to the city through a quarterly permitting
22 process for city permitted haulers.

23 Green waste uses ADC at landfills and reported
24 on the DRS.

25 And landfill salvage reported by landfill

1 operators to the County of Los Angeles and then forwarded
2 onto cities.

3 Based on staff's analysis of the generation
4 study, it has been determined that the city's diversion
5 rate for 1999 is 32 percent.

6 Staff recognizes that the pounds per person per
7 day is high relative to statewide averages. We feel that
8 this can be due to the city's residential population
9 which is about 8,575 while businesses within the city
10 employ over 14,000 workers. Most workers do live outside
11 the community.

12 The city's business demographics also include a
13 large number of light industrial and corporate office
14 locations, including large companies like Gold Foods.

15 Staff did identify a disposal increase 98
16 percent between 1995 and 1999. At this same time taxable
17 sales increased 123 percent, while population increased
18 by only 8.7 percent, showing that the increase in
19 disposal was largely associated with the commercial
20 activity.

21 The diversion study does not contain any
22 statistical extrapolations of diversion. Source
23 reduction, though measured and encouraged through the
24 business outreach program, was not included in total
25 generation.

1 Staff has visited the city and contacted several
2 of the city permitted haulers to verify study
3 information, and also to verify the following programs,
4 including: The residential curbside recycling program;
5 some of the commercial on-site pickup businesses.

6 It is interesting to note in this case that the
7 city has implemented an equal capacity ordinance where
8 every business that puts out a waste bin must have an
9 equal capacity for recycling.

10 There is an extensive business education and
11 outreach program where every business within the city has
12 been visited in the last two years, and the city has
13 increased their emphasis on this program as of 1998.

14 Staff is recommending that the Board approve the
15 proposed new 1999 base year and approve resolution
16 2001-237. The city's consultant is available to answer
17 questions, and that would conclude my presentation.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you.
19 Questions, Mr. Eaton?

20 BOARD MEMBER EATON: Yes, I'm sorry, Madam
21 Chair. How did we verify mixed paper self-haul? I
22 haven't seen that one on a radar screen.

23 MR. USELTON: Mixed paper self-haul?

24 BOARD MEMBER EATON: Yeah, that's what I got
25 here. That represents a total of -- where is it right

1 here? 3.5 percent.

2 MR. USELTON: One of the interesting things on
3 this study was that the city does have a permitting
4 program for its haulers that operate within the city.
5 There is one situation where a major company operating
6 within the city hauls primarily cardboard, and they
7 report directly to the city as part of this permitted
8 hauler program.

9 BOARD MEMBER EATON: That wouldn't be self-haul.

10 MR. USELTON: It is hauled by the company
11 directly to a cardboard processor.

12 BOARD MEMBER EATON: And where does their waste
13 stream go to in a landfill? Which landfill?

14 MR. USELTON: In this case I believe it is the
15 Calabasas facility.

16 BOARD MEMBER EATON: And so ten percent of what
17 they generate has ADC, is ADC? They have ten percent ADC
18 green waste from a population of 8,900 that goes to
19 Calabasas? Because Calabasas gets fed in by many other
20 jurisdictions.

21 MR. USELTON: Yes.

22 BOARD MEMBER EATON: So either the ADC number is
23 inflated for all of the other jurisdictions, or this one
24 isn't accurate, it's ten percent.

25 MR. USELTON: I can only say that the ADC number

1 that is used does correspond with what is reported in our
2 DRS system. The City of Westlake Village is an affluent
3 community, there are large property areas, and it was a
4 planned community with a great deal of green waste
5 planned for in the community. That, those green waste
6 areas are serviced largely by landscape contractors who
7 recognize that there is a economic incentive to source
8 separating the green waste before taking it to the
9 landfill.

10 BOARD MEMBER EATON: Is that the only green
11 waste program?

12 MR. USELTON: The city does have curbside
13 recycling with green waste collection. We did, they did
14 not double count the green waste, we only reported the
15 amount that was reported as ADC, we did not include it as
16 the material picked up from the waste hauler, or I'm
17 sorry, residential recycler supporting the green waste
18 program.

19 BOARD MEMBER EATON: I don't mean to keep
20 switching back and forth but I just noticed here that you
21 also have a commercial on-site pickup for mixed paper.
22 So how is, wouldn't that be the category of the licensed
23 individual?

24 MR. USELTON: Yes. It was actually intended for
25 clarity or to be as honest as we could here to separate

1 out this one business that reports to the city as part of
2 the permitted haulers.

3 They're not normally, would not normally be
4 classified as a hauler, but because of the amount of
5 cardboard, the city, you know, did not want to exclude
6 them from the reporting process.

7 In looking at each of the companies that
8 reported to the city, I'm just going to estimate that
9 there are about twelve to fifteen companies. This was
10 the only company that we could identify that would not
11 normally be called a hauler, and so we referred to it as
12 self-haul.

13 BOARD MEMBER EATON: And yet it's a company that
14 hauls?

15 MR. USELTON: It's a company that hauls a large
16 amount of cardboard that their business generates, and
17 they direct haul it to the processor.

18 BOARD CHAIR MOULTON-PATTERSON: Anything else,
19 Mr. Eaton?

20 BOARD MEMBER EATON: No.

21 BOARD CHAIR MOULTON-PATTERSON: I think at the
22 briefing there was going to be some explanation on why
23 this certification form wasn't signed.

24 MR. USELTON: We did provide a revised --

25 BOARD CHAIR MOULTON-PATTERSON: I don't have it.

1 MR. USELTON: -- item that included a signed
2 certification form.

3 BOARD CHAIR MOULTON-PATTERSON: Oh, I see.
4 Thank you.

5 BOARD MEMBER JONES: Madam Chair.

6 BOARD CHAIR MOULTON-PATTERSON: Yes, Mr. Jones.

7 BOARD MEMBER JONES: Just one thing. On the
8 inert recycling and that, is this, I hate to do this, but
9 this isn't from one of these, one of these inert or one
10 of these former mines that are taking this material and
11 just disposing of it and calling it diversion, are they?
12 Is this actually structured?

13 MR. USELTON: The hauler reported taking this to
14 a, one of the locations was a, I would say a crusher more
15 than, it was not a fill, used for fill purposes --

16 BOARD MEMBER JONES: Okay.

17 MR. USELTON: -- the vast amount of that. There
18 were some other small uses where one company did accept
19 the material for use as road base.

20 BOARD MEMBER JONES: That's fine, that part's
21 okay. It's just, you know, when we got it going into a
22 pit and they're getting diversion credit for it, it just
23 begs the question, you know, since landfills, a lot of
24 'em are built in pits.

25 I don't know if there's other questions, Madam

1 Chair.

2 BOARD CHAIR MOULTON-PATTERSON: I don't see any.

3 BOARD MEMBER JONES: I want to move adoption of
4 Resolution 2001-237 for the consideration of staff
5 recommendation to change the base year to 1999 from the
6 previously approved source reduction recycling element
7 for the City of Westlake Village in Los Angeles County.

8 BOARD MEMBER MEDINA: Second.

9 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a
10 motion by Mr. Jones, seconded by Mr. Medina to approve
11 resolution 2001-237.

12 Please call the roll.

13 BOARD SECRETARY VILLA: Eaton?

14 BOARD MEMBER EATON: No.

15 BOARD SECRETARY VILLA: Jones?

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY VILLA: Medina?

18 BOARD MEMBER MEDINA: Aye.

19 BOARD SECRETARY VILLA: Paparian?

20 BOARD MEMBER PAPARIAN: Aye.

21 BOARD SECRETARY VILLA: Moulton-Patterson?

22 BOARD CHAIR MOULTON-PATTERSON: Aye. Thank
23 you.

24 BOARD MEMBER JONES: Madam Chair, can I ask a
25 question of Steve or of the consultant?

1 BOARD CHAIR MOULTON-PATTERSON: Yes.

2 BOARD MEMBER JONES: With the amount of green
3 waste that's going to ADC, there's no real listing, are
4 they doing any mulching or those types of things? In an
5 area that is that well planned, and probably has golf
6 courses, probably has parks, have they looked at some
7 mulching so that they actually don't have to take it as
8 ADC they can actually put it back into the ground?

9 MR. USELTON: As far as the grass cycling, it
10 wasn't, of course, included in this study. The city did
11 indicate that as part of their audit of businesses there
12 was source reduction that was identified. We felt at
13 this time that they would just rather support their
14 number with these other program categories.

15 BOARD MEMBER JONES: And not count it. Okay.
16 But see, that helps. And I can understand that, and the
17 city has every right to do it. But it helps paint a
18 picture for us too is that if every bit of green waste is
19 going as ADC, why aren't they looking at other programs?
20 You just answered the question and said they actually
21 are, it's just not part of this base year thing. And
22 that's good information to know.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you.
24 Number 18 revised.

25 MR. POULSON: Good afternoon again, Madam Chair,

1 members of the Board. I'm Zane Poulson with the Board's
2 Office of Local Assistance, south section.

3 On September 21st, 1999, the Board issued the
4 City of Pico Rivera a compliance order which required the
5 city to both correct the diversion rate measurement
6 inaccuracies, and to work with the Board staff of the
7 Office of Local Assistance or OLA to implement programs
8 selected in the city's source reduction recycling element
9 or SRRE.

10 To meet the first requirements of the compliance
11 order, the city conducted a new waste generation study
12 based on 1999 data, and the city's requesting that the
13 Board approve the city's new 1999 base year.

14 In response to concerns raised by the Board
15 during the Board's briefing of this item, staff have
16 conducted an analysis of landfill salvage of the city's
17 waste during the proposed new 1999 base year.

18 Staff found some large fluctuations and reported
19 diversion of landfill salvage due to extrapolation of
20 diversion from one survey week each quarter.

21 The Los Angeles Sanitation District was able to
22 provide staff with actual diversion amounts for each
23 quarter of 1999. Board staff believe that the actual
24 data is much more accurate, and is consistent with
25 average diversion amounts due to landfill salvage of Pico

1 Rivera's waste.

2 They requested a new 1999 base year with the
3 adjustments in diversions from landfill salvage has a
4 diversion rate of 35 percent.

5 Board staff have reviewed the city's 1999 waste
6 generation study and new base year request, and have
7 determined that the new base year meets Board standards
8 in documenting diversion activities.

9 In addition, Board staff have visited the city
10 to verify programs included in the city's waste
11 generation study.

12 To meet the second requirement of the compliance
13 order the city worked with OLA staff to develop an
14 assistance plan and a work plan with specific tasks and
15 goals for implementing all of the cities SRRE selected
16 programs.

17 The city has reported to the Board that they
18 have completed all of the tasks in their assistance plan
19 and work plan.

20 In addition, Board staff have conducted the
21 1997/1998 biennial review for the City of Pico Rivera
22 source reduction recycling element, or SRRE, and
23 household hazardous waste element, or HHWE.

24 The city has reported that they have implemented
25 source reduction, recycling, and public education

1 programs consistent with the programs selected in their
2 SRRE. They have also reported that they have implemented
3 programs for public education and safe collection and
4 treatment of household hazardous wastes consistent with
5 programs selected in their HHWE.

6 Therefore, staff recommend that the Board
7 approve the city's new 1999 base year, end the city's
8 compliance order, and accept the city's 1997/1998
9 biennial review findings.

10 There are representatives here today from the
11 city.

12 This concludes staff's presentation. Are there
13 any questions for staff?

14 BOARD CHAIR MOULTON-PATTERSON: Questions? I
15 don't see any.

16 Mr. Eaton, do you have any?

17 BOARD MEMBER EATON: How much, how much is going
18 to NuWay in the inert facility?

19 MR. POULSON: There was some going to NuWay, but
20 it was very minimal compared to the main portion of the
21 landfill salvage and ADC. Most of it is going to Puente
22 Hills Landfill, I think.

23 BOARD MEMBER EATON: But yet it represents, do
24 we know how much was going to Peck Road?

25 MR. POULSON: I believe, again, that was very

1 minimal, if any, going to Peck Road. I didn't, I believe
2 that the, for the inert landfill it was NuWay.

3 BOARD MEMBER EATON: Because otherwise there
4 would be a lot going to Puente Hills for ADC.

5 MR. POULSON: Yes. Yes.

6 BOARD MEMBER EATON: You see, because the point
7 I'm trying to make is that if there is numbers, and the
8 way the law is written you have to connect 'em to a
9 program, and the disconnect between source reduction is
10 that none of the jurisdictions have any programs that are
11 targeted to these businesses. They go out and audit, but
12 they don't conduct programs.

13 And what has been standard business practices
14 prior to the law of AB 939 continues, and now all of the
15 sudden in the last eight or nine months, as an
16 organization and as the state, we have said, now you get
17 source reduction. And the law says that there must be
18 programs, there has to be a nexus. And that's part of my
19 problem here is that there is no nexus, and what we're
20 seeing is that there's a tremendous amount of ADC that's
21 going from these jurisdictions, and no one is counting
22 how much is coming up and allocated.

23 So is it, do we get the figures from Puente
24 Hills for the ADC allocation, or is that coming from the
25 county?

1 MR. POULSON: That comes through the county
2 through our reporting system.

3 BOARD MEMBER EATON: So they've allocated a
4 portion of it?

5 MR. POULSON: Yes.

6 BOARD MEMBER EATON: So that that is going to
7 NuWay and Peck, was that diversion or was it disposal?

8 MR. POULSON: Well they had portions of it,
9 portions of it were disposal, there was also some
10 diversion rate going there as well.

11 BOARD MEMBER EATON: And they can't get
12 diversion credit under SB 515 because it was specifically
13 excluded if it went to these particular landfills,
14 otherwise we oughta be collecting a fee, and that's what
15 I'm kind of confused on. So I'm just, you know, trying
16 to figure out what's going on. Where's the nexus and
17 where's the link and where's the money for the fees for
18 disposal?

19 MR. SCHIAVO: I believe in this particular case
20 this was pre-515, and so it would not have been precluded
21 under the auspices of 515 if I remember right.

22 BOARD MEMBER EATON: I would disagree because we
23 grandfathered in relief for the previous years under SB
24 515 the fees that were charged, Pat.

25 MR. SCHIAVO: That did not impact the diversion.

1 BOARD MEMBER EATON: It would have to because
2 you couldn't count it. If we didn't get the fee it
3 couldn't be counted. That was the whole point of SB 515.
4 You cannot relieve a fee and give them both, relieve the
5 fee and give them diversion credit, it's inconsistent
6 with the law.

7 MR. SCHIAVO: But again this is 1999 where 515
8 applied from January 1st, 2000, but --

9 BOARD MEMBER EATON: But it was grandfathered
10 before 515. It's not the effective date of the statute,
11 it's the effective date before that. Did, you do not
12 believe it wasn't the year of 2000 only?

13 LEGAL COUNSEL BLOCK: Perhaps I can help.
14 Elliot Block with the Legal Office. And the city may
15 want to chime in on this.

16 But there were two different things 515 did.
17 One was, which is what you were referring to, said that
18 these wastes that went into those that were disposed of
19 in the permitted inert sites were relieved of the fee.

20 And then it also said that it wouldn't change
21 how the disposal reporting system worked for how things
22 were reported for disposal and diversion, but to the
23 extent that there was actual diversion activities at
24 those sites, for road base at the landfill, that sort of
25 thing, as opposed to just putting the waste in the

1 footprint, that had counted as diversion before and would
2 continue to count as diversion before.

3 BOARD MEMBER EATON: Right.

4 LEGAL COUNSEL BLOCK: So the question that I
5 can't answer for you because I don't know how the numbers
6 is, is what portion of these numbers is the waste that
7 went into the pit versus some other diversion activity.

8 BOARD MEMBER EATON: Right. And if we can't
9 answer that question how can we then approve --

10 LEGAL COUNSEL BLOCK: Well I can't answer that
11 question because I don't know the numbers, but I'm
12 assuming staff can.

13 BOARD MEMBER EATON: How can we then approve
14 something that we don't know the answer to that would
15 affect it?

16 BOARD CHAIR MOULTON-PATTERSON: Did the
17 representative from the city wish to speak?

18 MR. CLEMMONS: I'm Chip Clemmons from Clemmons
19 Environmental, a consultant for the city.

20 I think the answer for us is that the great
21 majority of this material, and I don't have that specific
22 number, but 95 percent or greater was from Puente Hills.
23 We went directly to Bill George, he gave us these
24 numbers, and that's what we used.

25 We're trying to look, I think we may have had a

1 very small tonnage, perhaps from NuWay that showed up as
2 this landfill salvage. But in this case for this city
3 we're virtually all Puente Hills.

4 So whichever way it goes I don't think is going
5 to have much bearing as far as our actual overall
6 diversion number.

7 BOARD MEMBER JONES: Can I ask a question?

8 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.
9 Jones.

10 BOARD MEMBER JONES: Chip, so Puente Hills, Bill
11 George says, you know, we segregated this material out,
12 we're using it for cover, were using it for structural?

13 MR. CLEMMONS: Correct.

14 BOARD MEMBER JONES: Okay. The NuWay stuff that
15 went in there, if you're looking at 1999, because in 1999
16 the numbers from NuWay and some of these other facilities
17 were almost a hundred percent diversion -- a hundred
18 percent disposal. It was only after the fee issue came
19 up that the recycling rate increased.

20 So if you're using 1999 numbers, then those
21 should have been 1999 disposal numbers, I would have
22 thought, and not diversion.

23 MR. CLEMMONS: I think that's --

24 BOARD MEMBER JONES: Or --

25 MR. CLEMMONS: Yeah, I think that's true. In

1 looking at the DRS data here, it's virtually all shown as
2 disposal. We're remembering back, I think there was
3 maybe 40 tons or some number like that --

4 BOARD MEMBER JONES: That was diversion.

5 MR. CLEMMONS: -- that was shown as diversion,
6 right, but these thousands of tons is all from Puente
7 Hills.

8 BOARD MEMBER JONES: Okay. For diversion.

9 MR. CLEMMONS: Correct.

10 BOARD MEMBER JONES: But the NuWay stuff would
11 have been diversion because that was the whole key, that
12 was the whole issue was that they were listing this stuff
13 as like 99 percent disposal, one percent diversion, and
14 that was just for some road and some stuff like that.

15 So if that is, is a, if that sounds reasonable
16 to me if that's the case.

17 MR. CLEMMONS: Yeah.

18 BOARD MEMBER JONES: Especially if it's '99 it
19 would have had to have been disposal, that was the whole
20 key to why we needed the fees.

21 BOARD MEMBER EATON: And was there any
22 extrapolation?

23 MR. CLEMMONS: No.

24 BOARD MEMBER EATON: So you took, only fifty
25 businesses are calculated in this?

1 MR. CLEMMONS: That's right. In Pico Rivera we
2 decided from the get-go that we would just start at the
3 top with what we knew were our biggest diverters and just
4 work down from there.

5 And once we got to around fifty we realized we
6 were really getting diminishing returns. We had hit all
7 the big ones, and with the city's budget and so on we
8 assumed we were going to get most of it, we didn't
9 extrapolate it all, we just used that exact data. And we
10 can always go back and do some more if we feel like we
11 need to, but I think that we were, we weren't getting
12 much bang for our buck once we got past the big
13 companies.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any
15 other questions?

16 BOARD MEMBER JONES: Madam Chair.

17 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

18 BOARD MEMBER JONES: I am going to move adoption
19 of Resolution 2001-238, consideration of staff
20 recommendation to change the base year to 1999 for the
21 previously approved SRRE; consideration of the 1997/98
22 biennial review findings for the SRRE and household
23 hazardous waste element; and consideration of completion
24 of compliance order IWMA BR99-59 for the City of Pico
25 Rivera in Los Angeles County.

1 BOARD MEMBER MEDINA: Second.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. Motion by
3 Mr. Jones, seconded by Mr. Medina to approve Resolution
4 2001-238.

5 Please call the roll.

6 BOARD SECRETARY VILLA: Eaton?

7 BOARD MEMBER EATON: Abstention.

8 BOARD SECRETARY VILLA: Jones?

9 BOARD MEMBER JONES: Aye.

10 BOARD SECRETARY VILLA: Medina?

11 BOARD MEMBER MEDINA: Aye.

12 BOARD SECRETARY VILLA: Paparian?

13 BOARD MEMBER PAPARIAN: Aye.

14 BOARD SECRETARY VILLA: Moulton-Patterson?

15 Aye. Okay, thank you. Item 19.

16 MR. POULSON: Once again I'm Zane Poulson with
17 the Board's Office of Local Assistance.

18 On October 20th, 1999, the Board issued the City
19 of Bell Gardens a compliance order requiring the city to
20 develop a new waste generation study with the intent of
21 establishing a new, more accurate base year.

22 The city conducted a new waste generation study
23 based on 1999 data, and the city is requesting that the
24 Board approve the city's new 1999 base year with a
25 diversion rate of 34 percent.

1 The Board staff have reviewed the city's 1999
2 waste generation study, a new base year request, and have
3 determined that the new base year meets Board standards
4 in documenting diversion activities.

5 In addition, Board staff have conducted the
6 1997/1998 biennial review for the City of Bell Gardens
7 source reduction recycling element or SRRE, and household
8 hazardous waste element or HHWE.

9 The city has reported that they have implemented
10 source reduction, recycling, and public education
11 programs consistent with programs selected in their SRRE.

12 They have also reported that they have
13 implemented programs for public education and the safe
14 collection and treatment of household hazardous waste
15 consistent with programs collected in their HHWE.

16 Therefore, staff recommend that the Board
17 approve the city's new 1999 base year, end the city's
18 compliance order, and accept the city's 1997/1998
19 biennial review findings.

20 There are representatives here today from the
21 city. This concludes staff's presentation.

22 Are there any questions for staff?

23 BOARD CHAIR MOULTON-PATTERSON: Any questions
24 for staff?

25 I had a question maybe the city could answer. I

1 think I'd asked at the briefing if there was any, if they
2 had tried to work with that large casino in the City of
3 Bell Gardens, if they'd done anything?

4 MR. POULSON: Yes. We did talk to the city
5 about it, I think that they want to address that.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you.

7 MS. NELSON: Good afternoon. My name is Kim
8 Nelson, and I'm a representative and a consultant for the
9 City of Bell Gardens.

10 We have talked to the casino, it is a large
11 generator. Our difficulty with them is everything they
12 use is paper products, so it's going to take some
13 convincing.

14 And we were desperately trying to get our city
15 off compliance order, we're also going out to bid for a
16 new refuse contract, so that is our next step is to deal
17 with them and some other large generators. So it's on
18 our docket of things to do.

19 BOARD CHAIR MOULTON-PATTERSON: Great. Thank
20 you.

21 Anyone else? Okay.

22 BOARD MEMBER EATON: What do you do with the
23 tires that has 713 tons of tires recycled?

24 MS. NELSON: There is a company that is located
25 within the City of Bell Gardens that is called Park House

1 Tires.

2 BOARD MEMBER EATON: Okay, I know who they are.

3 MS. NELSON: The tires are taken, they're
4 actually collected by the Public Works Department, they
5 have their own equipment so a lot of the tires are
6 theirs, and then they have the hauler, their guys collect
7 them. They take them to Park House Tires and they're
8 sent to a chipping facility. And they're actually used
9 in rubberized asphalt.

10 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
11 you. Mr. Jones.

12 BOARD MEMBER JONES: Madam Chair, I'll move
13 adoption of Resolution 2001-239, consideration of staff
14 recommendation to change the base year to 1999 for the
15 previously approved SRRE; consideration of the '97/'98
16 biennial review findings for the source reduction and
17 recycling element and household hazardous waste element;
18 and consideration of completion of compliance order IWMA
19 BR99-78 for the City of Bell Gardens in Los Angeles
20 County.

21 BOARD MEMBER MEDINA: Second.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. Motion by
23 Mr. Jones, seconded by Mr. Medina to approve Resolution
24 2001-239.

25 Please call the roll.

1 BOARD SECRETARY VILLA: Eaton?

2 BOARD MEMBER EATON: Abstain.

3 BOARD SECRETARY VILLA: Jones?

4 BOARD MEMBER JONES: Aye.

5 BOARD SECRETARY VILLA: Medina?

6 BOARD MEMBER MEDINA: Aye.

7 BOARD SECRETARY VILLA: Paparian?

8 BOARD MEMBER PAPARIAN: Aye.

9 BOARD SECRETARY VILLA: Moulton-Patterson?

10 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay.

11 Item 20.

12 MS. CARDOZO: Good afternoon, Madam Chair, Board
13 members. I'm Catherine Cardozo with the Office of Local
14 Assistance.

15 And agenda item 20 is staff's recommendations
16 for revisions to the Board's Countywide Integrated Waste
17 Management Plan, or CIWMP enforcement policy, part two.

18 The CIWMP enforcement policy describes how the
19 Board will evaluate a jurisdiction's level of
20 implementation of its source reduction and recycling
21 element, or it's SRRE, and household hazardous waste
22 element. This includes an evaluation of both program
23 implementation efforts and diversion requirement
24 achievement.

25 The previous CIWMP enforcement policy was

1 adopted by the Board in February of '95. The Board
2 applied the policy to the '95/'96 and '97/'98 biennial
3 reviews.

4 Staff is now proposed minor revisions to that
5 document to reflect subsequent legislative changes; that
6 is in Senate bills 2202 and 1066, as well as the Board's
7 express concern with the relationship of diversion
8 programs to diversion rates, and the need to emphasize
9 program implementation.

10 As a result, staff has made minor revisions to
11 the policy and included a new scenario.

12 This item is brought before the Board in May of
13 this year as a discussion item, and again at the June
14 Board briefing. Staff sent the jurisdiction e-mail
15 notices of these items prior to the meetings.

16 Attachment one is a matrix showing public
17 comments received as a result of these discussions and
18 the corresponding revisions made to the policy.

19 I would like to emphasize that the proposed
20 policy revisions do not change good faith effort.

21 I would also like to emphasize that staff's
22 review includes an analysis of potential problems the
23 jurisdiction may have experienced, either in calculating
24 its diversion rate, or in implementing diversion
25 programs.

1 Also, the revised policy does not preclude a
2 jurisdiction from petitioning the Board for a 1066
3 extension or, if rural, for a rural exemption.

4 The February, '95 policy document described four
5 scenarios that a jurisdiction could fall under during a
6 biennial review. The revised policy retains all four of
7 the previous scenarios, and includes one new scenario.

8 And I've provided you with a handout entitled,
9 "CIWMP Enforcement Part Two Scenarios." There are also
10 additional copies in the foyer I think it's called. And
11 it shows how the old scenarios have just been renumbered,
12 and the new scenario added.

13 The new scenario three has been structured like
14 the others to maintain the Board's flexibility to
15 determine either that a jurisdiction has made a good
16 faith effort to implement its SRRE to achieve the
17 diversion requirement, or that a compliance order should
18 be assigned.

19 Briefly, the new scenario three is implementing
20 a small number of programs and meeting the diversion
21 requirement. This new scenario focuses on program
22 implementation, thereby reinforcing the statutory
23 requirement for both program implementation and meeting
24 the diversion requirement.

25 The Board maintains the flexibility to determine

1 whether a jurisdiction in this scenario has made a good
2 faith effort to implement programs despite the small
3 number implemented, or it could issue the jurisdiction a
4 compliance order.

5 Alternatively, a jurisdiction could apply for a
6 1066 extension or rural reductions, whichever applies.

7 Moving onto public comments. Staff has only
8 received a few since the discussion items in May and
9 June. The public comments received include those from
10 the League of Cities representative who expressed support
11 for the revisions; while a representative of rural
12 counties suggested minor clarifying changes which have
13 been incorporated into the policy.

14 In addition, the Board's SB 2202 Synthesis
15 Working Group met twice in June, and none of their
16 recommendations conflict with the new proposed scenario
17 three. In fact, the new scenario supports one of the
18 work in groups' recommendations for the Board to place
19 more emphasis on program implementation.

20 That concludes my presentation. Are there any
21 questions for staff?

22 BOARD CHAIR MOULTON-PATTERSON: Thank you. I
23 see none, and we have public speakers so I'll go straight
24 to the public speakers. Mike Mohajer.

25 MR. MOHAJER: Good afternoon, Madam Chair,

1 member of the Board. I'm just looking at my watch for
2 the fifteen minutes.

3 We submitted a letter this morning from the --
4 oh, by the way, I represent L.A. County Integrated Waste
5 Management Task Force on this item. And the letter of
6 July 24th that we submitted this morning, we'd like it to
7 be made as a part of the record.

8 And I, because of the time shortage I will not
9 read the letter, but my intent was to do that, but
10 putting that issue aside, basically I'll go to the couple
11 of items that the letter concludes.

12 And one is that taking action on this item to be
13 delayed until the, this Board considered recommendation
14 from the synthesis group under SB 2202.

15 And secondly, the fact that this item was on the
16 Board agenda for June and then it was withdrawn created,
17 at least in some of the jurisdiction's mind, including
18 ours, that maybe the item was going to be changed and
19 brought back again for comments, and that's why you did
20 not receive any comments.

21 On that basis we would like you to delay taking
22 action on it, or possibly delaying it for 45 days public
23 review period.

24 Thank you.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.

1 Mohajer.

2 Robert A. Nelson.

3 MR. NELSON: Good afternoon, Madam Chair,
4 members of the Board. My name is Robert Nelson, General
5 Manager and chief Engineer For the Riverside County Waste
6 Management Department.

7 I'm here representing two different agencies;
8 one is our local task force of Riverside County who met
9 last Thursday, and we have presented you with a letter of
10 their action expressing a similar concern that was
11 relayed to you by Mr. Mohajer. Basically they're asking
12 you to delay action at this point.

13 And then a separate letter that I submitted to
14 you on behalf of the county is also in your record. And
15 I simply wanted to express the feeling that your scenario
16 three seems to be putting agencies at jeopardy that
17 probably shouldn't be at jeopardy in our county.

18 I think we have implemented virtually every one
19 of our SRRE items, and I believe we're going to be over
20 the 50 percent when we finally get the numbers this fall.
21 We were at 49 percent in the unincorporated area last
22 year.

23 Be that as it may, when you consider the size of
24 many of the cities and the staffing that they have and
25 what they had to do to put their SRRE's together, it's

1 our concern that they might still be in jeopardy even if
2 they got over the bar of the 50 percent.

3 And on their behalf I would like to at least
4 make the point that I believe local agencies will see
5 that it's unfair and may put your scenario three at risk.

6 Thank you.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you very
8 Much. We have one more speaker although I am going to
9 ask that we, this be continued.

10 Joyce Wood.

11 MS. WOOD: I don't need to do anything if you're
12 going to continue it.

13 BOARD CHAIR MOULTON-PATTERSON: Okay. I really,
14 I personally need a little more time on this, if that is
15 okay with my fellow Board members. I'd like to have
16 another month on this.

17 BOARD MEMBER MEDINA: If that's in need of a
18 motion I'd like to make that.

19 BOARD CHAIR MOULTON-PATTERSON: I think we can
20 just continue it, can't we?

21 BOARD MEMBER MEDINA: Does that need a motion?

22 BOARD CHAIR MOULTON-PATTERSON: Yeah. Thank
23 you.

24 BOARD MEMBER JONES: Madam Chair.

25 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

1 BOARD MEMBER JONES: Just one comment and I'd
2 like to get response at a later time from those that are
3 opposed.

4 The way I'm reading what you're saying is that
5 if somebody hits a number but then doesn't have any
6 programs to substantiate it, they should be in jeopardy
7 of not making AB 939.

8 And all we're trying to say is with this
9 onslaught of base years, with an onslaught of counting
10 dirt going into an inert landfill, that cities could be
11 the recipient of high diversion numbers with absolutely
12 no programs; and is that fair to people that are doing
13 programs? And that's how I read scenario three.

14 And I'm wondering if you guys -- I know Bob
15 Nelson, I know Joyce, and I don't think that you're
16 saying we want the skaters to skate.

17 So tell me what we've got to do. Because all
18 we're trying to do is say, because the original, this
19 original policy said if you hit the number you're in
20 compliance. But you've sat here and you've heard for two
21 years, everybody in Southern California screams that it
22 is not the numbers, the Board should not be bean
23 counters, I happen to agree, that we have to have
24 programs to substantiate the numbers.

25 All we're trying to do is say if you, if you do

1 hit a number but you don't have any programs, you may
2 fall under our enforcement policy.

3 Is that, are you opposed to that?

4 MS. NELSON: Can we respond?

5 BOARD MEMBER JONES: Sure. I mean if it's okay?
6 Is it okay?

7 BOARD CHAIR MOULTON-PATTERSON: Yeah.

8 BOARD MEMBER JONES: I mean it's pretty critical
9 to what we're doing here.

10 BOARD CHAIR MOULTON-PATTERSON: That's why I
11 think we need more time to have a dialogue, but go ahead.

12 MR. NELSON: I may not be able to speak, Bob
13 Nelson again from Riverside County. I may not be able to
14 speak for all, but from my perspective that is not what
15 we are reading.

16 We're seeing that you're putting us under a
17 potential microscope without any interpretation of what
18 you mean by good faith. Clearly good faith should count.
19 And in my judgment, if you get real close to the 50
20 percent and you've done every reasonable thing, maybe not
21 even everything that's on your list, but every reasonable
22 thing; because granted, eleven years ago there's very few
23 of us, including this Board, that knew exactly what would
24 work and what wouldn't work. The markets have unfolded
25 during this period, and ideas that we had 10, 11 years

1 ago, and put in a book that said we'll try this and see
2 if we can get the 50 percent.

3 The fact that you, over time, learned something
4 different and said that's silly to even try to pursue
5 these four, five, or ten, we don't have any assurance
6 with your scenario three that you aren't going to tell us
7 that we gotta come under a compliance order even though
8 we're at 52 percent.

9 And I think you ought to look at both issues.
10 And if you've done either, and are close, we ought to be
11 considered out of jeopardy.

12 BOARD MEMBER JONES: Okay. But 52 percent and
13 no programs?

14 MR. NELSON: Well not no programs, but there is
15 some, some level of activity that is reasonable. But the
16 way it's written it sounds like we're in jeopardy unless
17 we do all of them. And I think that's the concern that
18 we're really --

19 BOARD MEMBER JONES: Okay, that's what I needed
20 to know.

21 MR. NELSON: -- on behalf of our many agencies.

22 BOARD MEMBER JONES: That's what I needed to
23 know, thanks.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you very
25 much. We will go onto item 21.

1 BOARD MEMBER EATON: Madam Chair, while we're
2 waiting for that.

3 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

4 BOARD MEMBER EATON: The three items, the three
5 letters that we received will be part of the record so,
6 for ex parte purposes, so we don't have to --

7 BOARD CHAIR MOULTON-PATTERSON: Yes, they are
8 part of the record.

9 BOARD MEMBER EATON: Thank you.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you.

11 MS. NELSON: Madam Chair, I think we'll have to
12 hold over item 21 as well because it's based on item 20.

13 BOARD CHAIR MOULTON-PATTERSON: Okay. We will
14 do that. And then Mr. Mohajer, I'll ignore this speaker
15 slip and we'll go straight to the last item, item 22.

16 MR. O'SHAUGHNESSY: Good afternoon, Madam Chair,
17 members of the Board, my name is Trevor O'Shaughnessy of
18 the AB 75 implementation program, and I will be
19 addressing item 22, the consideration of staff
20 recommendation on the findings of the Integrated Waste
21 Management Plan submitted by state agencies and large
22 state facilities to comply with AB 75.

23 Staff's findings are based on both the submitted
24 plans that follow the state agency model integrated waste
25 management plan, as well as the adopted procedures for

1 reviewing and approving the submitted integrated waste
2 management plans that the Board adopted at the May 23rd,
3 24th Board meeting.

4 In conducting the reviews, staff reviewed the
5 plans for the programs and their feasibility for
6 implementation for specific organizations, whether it's
7 an office setting or a field location, a university,
8 college, etcetera.

9 In doing those reviews they not only looked at
10 the programs and the feasibility of the programs, but
11 also did a preliminary review of the numbers submitted
12 for those type of programs to determine their feasibility
13 and the reasonableness of those numbers.

14 In the essence of time that would conclude my
15 presentation, and staff is available to address any
16 questions.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.
18 Paparian.

19 BOARD MEMBER PAPARIAN: Thank you. I'm the one
20 who requested our review of these various things using a
21 criteria of those plans which indicated 20 percent or
22 less diversion, or 70 percent or greater diversion.

23 I think if you include these plans and the plans
24 all previously approved by the Board, there's about, I
25 think about 200 maybe, more or less, that have been sent

1 all the way through the process, is that about right?

2 MR. O'SHAUGHNESSY: Approximately 260 have been
3 totally approved by the process that's been put in place.

4 BOARD MEMBER PAPARIAN: Okay. Out of what, 435
5 or --

6 MR. O'SHAUGHNESSY: 465 approximate plans were
7 submitted.

8 BOARD MEMBER PAPARIAN: Okay. Based on the
9 plans that are still sitting out there, are you
10 anticipating that some of them are going to need either
11 to be disapproved or, you know, significantly revised in
12 order to get approval?

13 MR. O'SHAUGHNESSY: At this point there is two
14 agenda items that will be coming forward to the Board,
15 one is specifically dealing with the Department of
16 General Services RESD or the real estate development, and
17 there's issues that we're going to be discussing with the
18 Board on that.

19 And the secondary item is dealing with
20 approximately twenty plans that staff is unable to make
21 any determination on, a plan was submitted, information
22 was provided, but staff cannot make a final conclusion or
23 finding as to whether or not the plan is complete or
24 incomplete because the agencies have been non-responsive
25 to our requests for additional information.

1 So those will be coming forward to the Board to
2 get direction because the legislation doesn't provide any
3 finding or any strong arm, so staff will be coming
4 forward with those and get direction from the Board.

5 BOARD MEMBER PAPARIAN: Yeah. I mean the
6 legislation I think does anticipate the Board potentially
7 disapproving plans, and then working with the entities to
8 jointly develop a plan?

9 MR. O'SHAUGHNESSY: That is absolutely correct,
10 yes.

11 BOARD MEMBER PAPARIAN: So you're anticipating
12 that we potentially may have to disapprove some of those
13 plans that may be coming?

14 MR. O'SHAUGHNESSY: Either disapprove or
15 provide direction for staff to get cooperation from those
16 agencies.

17 BOARD MEMBER PAPARIAN: Okay. When I looked
18 through some of those plans that are before us today, and
19 the one that I singled out was CSU Bakersfield, with no
20 offense meant towards CSU Bakersfield, it was just the
21 one that I picked out to look at carefully.

22 I noticed some potential problems with the plan
23 just on the surface of it based on my knowledge, you
24 know.

25 And among them were their expectations about how

1 much waste they disposed of every year. They suggested
2 they disposed of 176 tons in a year, when if you actually
3 went through the calculations using the formulas that we
4 provided them, the totals would be closer to around 800
5 to a thousand tons a year.

6 Then if you look at the, how they achieved their
7 recycling rates, they're dependent on a lot of grass
8 cycling. And then if you backtrack using our formulas
9 that we provided them, we come up with at least 88 acres
10 or the equivalent of eighty football fields worth of
11 grass out there at CSU Bakersfield.

12 Then if you look at what they've been doing up
13 to now, and in fact the AB 75 legislation anticipates a
14 nexus between SABRC and AB 75; when you look at the
15 legislation it actually talks about encouraging,
16 procuring recycled, procuring products with recycled
17 content in all state agency offices and facilities.

18 When you look at their SABRC numbers, they have
19 very poor SABRC numbers compared to comparable state
20 agencies.

21 And then finally, when you consider that
22 colleges and universities in California, a lot of them
23 have recycling coordinators who get together on a regular
24 basis, they have a coordinating group that compare notes
25 on everything and see what they can do to improve their

1 programs, CSU Bakersfield has not been participating in
2 that group, yet comes up with some of the best numbers or
3 perhaps the best numbers of any college in California,
4 with an anticipated diversion rate of well over 80
5 percent, or comparable to the model program we were
6 talking about this morning at the Del Mar Fairgrounds.

7 So, you know, with all of that I wonder how I
8 can sit here and approve a plan like this one when just
9 on the face of it, it smells.

10 MR. O'SHAUGHNESSY: Well if I could I'd like to
11 take the opportunity to respond to some of your issues
12 and concerns. If I could get assistance from the back we
13 do have an aerial photograph of the campus which is
14 behind you.

15 The campus is 410 acres of land, of which 89
16 acres is total turf. The campus is the host for the AYSO
17 soccer league of the community. They are also host for
18 the baseball club association, Little League, excuse me,
19 Little League, so they have those fields as well.

20 So the campus itself is somewhat large in turf
21 areas, it's almost like the community park as well as the
22 campus and housing units for the upper educational
23 opportunities.

24 So, you know, from the aerial photographs that
25 are provided, this is through Mapquest, you know, they do

1 have the turf areas that somewhat justify the large
2 quantifications of grass.

3 Both before and while this agenda item was being
4 created staff communicated with the campus questioning or
5 asking about the grass cycling; they noted and told staff
6 that yes, there was large quantities of grass on site.
7 Staff also visited this particular site before coming
8 here and, you know, did see that they had the equipment
9 available as well as the turf areas that justify
10 approximately 20 percent of the total acreage of the site
11 and community.

12 As for the disposal of the waste materials, the
13 conservative numbers that are provided in the guides for
14 state agencies was just that, a very conservative number.

15 The best way, and what we told every state
16 agency and facility out there, is work with your waste
17 hauler, call them and say how much garbage are you
18 picking up from us, particularly from large state
19 facilities such as this.

20 One hauler is coming across the campus, one
21 phone call can be made, how much are you picking up? And
22 it was my understanding that the number that was
23 generated for disposed or picked up waste came from the
24 waste hauler.

25 The other issue of SABRC I'm not able to address

1 at this time, however Jerry Hart is available and he can
2 cover the state agency Buy Recycled campaign and why
3 their numbers are low.

4 BOARD MEMBER PAPARIAN: So the generation
5 number, I mean the 176 tons a year came from their
6 hauler?

7 MR. O'SHAUGHNESSY: That is my understanding,
8 yes.

9 BOARD MEMBER PAPARIAN: Do they have just one
10 hauler or more than one hauler?

11 MR. O'SHAUGHNESSY: The campus has, as with all
12 state agencies they usually go out for a contractual
13 agreement, and it is my understanding they have a single
14 hauler serving the campus.

15 BOARD MEMBER PAPARIAN: Okay. But again, with
16 6,500 students, 800 staff, I mean does that smell right
17 to you that it would only produce 176 tons per year?

18 MR. O'SHAUGHNESSY: I don't know the specifics
19 of this campus, whether or not they do have a housing
20 unit. However I do understand that they're a
21 telecommuter campus, a university that's servicing the
22 greater Bakersfield and Kern County area, so a lot of
23 people are driving onto the campus and turning around and
24 going back off rather than actually living on the campus
25 and generating things, such as being in a dormitory where

1 they're there 24 hours a day.

2 BOARD MEMBER PAPARIAN: Okay. So you're --

3 MR. O'SHAUGHNESSY: And again, just to kind of
4 go beyond that is the plans that were developed and
5 submitted essentially had a two-month period to gather
6 your information and put materials together, based on the
7 passage of legislation, the time at which staff had to
8 get the word out to present the model plan, for agencies
9 to then fill it out, get signatures or approval of those
10 activities from, whether it's the president of the
11 college or the director or Board chair of an agency, get
12 their signature and submit it to the Board by July 15th.

13 So it may not be one hundred percent accurate.
14 When staff was going through the process of reviewing the
15 plan submitted, that's what we were doing is, is there a
16 solid plan to outline programs, activities, and diversion
17 elements to achieve the goals of AB 75.

18 And use the annual report process that begins
19 April 1st of 2002 to then get into the bare bones of the
20 numbers and start working and doing the calculations, and
21 get more in tuned with questioning disposal, where did
22 this number truly come from, and other activities like
23 that.

24 In the tone of the annual report, that will be
25 coming forward to the Board next month, there's an item

1 as well as a discussion item, presentation on the
2 database that was created by the submitted information
3 and the Web pages that have been developed for that
4 element as well.

5 BOARD MEMBER PAPARIAN: When I look at the
6 programs that they are suggesting, and you actually look
7 at the matrix that you put together of the various ones
8 that, the various plans that got pulled, they have
9 perhaps the fewest or very close to the fewest programs
10 of any, if you look at the little C's and P's across the
11 page there, they have amongst the fewest of any of those
12 facilities listed.

13 MR. O'SHAUGHNESSY: When creating the database
14 and putting together the total programs and tracking
15 systems, there was a consolidation of the submitted
16 programs in comparison to those that are being tracked in
17 the database.

18 So if I could refer you back to the other
19 handout that's also provided in the packet, I believe
20 it's appendices 22-12 is the beginning of it, you could
21 see that, as an example, business source reduction has
22 many activities going on that are consolidated within
23 that particular arena or program type.

24 So they could be reporting a use of half sheet
25 memos, or you know, just using some of the examples

1 there, toner cartridges, double sided copies from the
2 print shop, whatever the activities are have been
3 consolidated.

4 So although they may not show having large
5 quantities at C's and P's at this point from their
6 initial plan, they might have behind those, if you will,
7 several activities and programs that are being
8 implemented to achieve the goals of the materials that
9 that particular campus is generating.

10 BOARD MEMBER PAPARIAN: Okay. So in staff's
11 visit to CSU Bakersfield, did they go over some of these
12 things to determine that they are, in fact, doing,
13 they're bulking up their programs?

14 MR. O'SHAUGHNESSY: When staff went out to the
15 field and visited this site they saw that they were
16 implementing programs and participating and doing their
17 best, to not only achieve what they had submitted, but
18 also looking at and listening to staff's ideas to even
19 enhance their programs or even adopt new programs to
20 achieve even greater goals.

21 BOARD MEMBER PAPARIAN: Okay. And did you look
22 at the number of dumpsters on the campus?

23 MR. O'SHAUGHNESSY: No.

24 BOARD MEMBER PAPARIAN: The campus is how many
25 acres?

1 MR. O'SHAUGHNESSY: 410 acres.

2 BOARD MEMBER PAPARIAN: Okay. I had some
3 information it was about 360 acres.

4 MR. O'SHAUGHNESSY: Well staff contacted and I
5 personally contacted before coming down here the
6 recycling coordinator, and it was verified, and I was
7 told 410 acres was the total site acreage.

8 BOARD MEMBER PAPARIAN: Okay. When we get to,
9 next year when we get to the actual reports coming in,
10 what kind of auditing are we planning of those?

11 MR. O'SHAUGHNESSY: Could you clarify?

12 BOARD MEMBER PAPARIAN: We'll get plans where a
13 lot of numbers are claimed and, you know, grass cycling
14 would be one of them and how much is being diverted and
15 so forth, and I may have a question again, how much
16 tonnage is actually being disposed from this campus, what
17 will we do to verify those numbers?

18 MR. O'SHAUGHNESSY: We'll be using the annual
19 report primarily and the verbal text that we're
20 requesting as the verification element for the annual
21 report process.

22 In addition to that, time permitting staff will
23 go out into the field to verify activities that are going
24 on, and also compare it to alike activities now that
25 staff, particularly with the colleges and universities,

1 Al Chaney has been doing all the reviews on that, he's
2 reviewed 160 plus plans that have been submitted for the
3 community colleges, the CSU's as well as the district
4 office for the community colleges. But he now has a
5 strong background and understanding by reviewing all
6 those plans of a like program.

7 So he'll be able to use that knowledge and
8 reflect it into the annual report process to see how
9 things match up with each other. We'll be able to use
10 the database to compare reported and planned activities
11 to see how reasonable and feasible they are.

12 BOARD MEMBER PAPARIAN: I know we're pressed for
13 time, Madam Chair. Perhaps the next time we have a
14 chance to review this subject area of AB 75 I'd like to
15 look a little more carefully at opportunities for more
16 formal auditing of the reports that are going to start
17 coming in next year, maybe randomly selecting a certain
18 number and perhaps using the Department of Finance or
19 somebody to assist us in some audits to assure that we're
20 getting accurate information. I won't go into more
21 reasons than that.

22 BOARD CHAIR MOULTON-PATTERSON: Well I think
23 that's a very good idea. And I believe random auditing
24 would be more feasible. So thank you for bringing that
25 up.

1 BOARD MEMBER JONES: Madam Chair.

2 BOARD CHAIR MOULTON-PATTERSON: Yes, Mr. Jones.

3 BOARD MEMBER JONES: I want to move adoption of
4 Resolution 2001-243, the consideration of the staff
5 recommendation on the reviews and findings for the
6 Integrated Waste Management Plans submitted for the
7 following state agencies and large state facilities, and
8 I'm not going to read 'em all.

9 BOARD MEMBER MEDINA: Second.

10 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a
11 motion by Mr. Jones, seconded by Mr. Medina to approve
12 Resolution 2001-243.

13 Please call the roll.

14 BOARD SECRETARY VILLA: Eaton?

15 BOARD MEMBER EATON: Aye.

16 BOARD SECRETARY VILLA: Jones?

17 BOARD MEMBER JONES: Aye.

18 BOARD SECRETARY VILLA: Medina?

19 BOARD MEMBER MEDINA: Aye.

20 BOARD SECRETARY VILLA: Paparian?

21 BOARD MEMBER PAPARIAN: Aye. I'd still love to
22 see how the hauler is getting away with only 176 tons a
23 year, but I'll vote aye.

24 BOARD SECRETARY VILLA: Moulton-Patterson?

25 BOARD CHAIR MOULTON-PATTERSON: Aye. Thank

1 you. And to Board members, I just found out that the
2 city council will be meeting in that room so we can leave
3 our books if you'd like to, but they've asked that we not
4 leave computers and things like that, calculators.

5 Thank you very much. We'll see you tomorrow at
6 9:30.

7 (Thereupon the foregoing was concluded at
8 4:39 p.m.)

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, DORIS M. BAILEY, a Certified Shorthand Reporter and Registered Professional Reporter, in and for the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing proceedings in shorthand writing; and thereafter caused my shorthand writing to be transcribed by computer.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand as a Certified Shorthand Reporter and Registered Professional Reporter on the 7th day of August, 2001.

Doris M. Bailey, CSR, RPR, CRR
Certified Shorthand Reporter
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